Washington, Thursday, January 22, 1953

TITLE 3—THE PRESIDENT EXECUTIVE ORDER 10430

AUTHORIZING THE APPOINTMENT OF MRS.
BETH CAMPBELL SHORT TO A COMPETITIVE POSITION WITHOUT REGARD TO THE
CIVIL SERVICE RULES AND REGULATIONS

By virtue of the authority vested in me by section 2 of the Civil Service Act of January 16, 1883-(22 Stat. 403, 404), it is hereby ordered that Mrs. Beth Campbell Short may be appointed to a permanent competitive position in the classified civil service of the United States without regard to the competitive provisions of the Civil Service Rules and regulations.

HARRY S. TRUMAN

THE WHITE HOUSE, January 17, 1953.

[F. R. Doc. 53-787; Filed, Jan. 19, 1953; 4:09 p. m.]

EXECUTIVE ORDER 10431

· NATIONAL SECURITY MEDAL

By virtue of the authority-vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

1. There is hereby established a medal to be known as the National Security Medal with accompanying ribbons and appurtenances. The medal and its appurtenances shall be of appropriate design, approved by the Executive Secretary of the National Security Council.

2. The National Security Medal may be awarded to any person, without regard to nationality, including members of the armed forces of the United States, for distinguished achievement or outstanding contribution on or after July 26, 1947, in the field of intelligence relating to the national security.

3. The decoration established by this order shall be awarded by the President of the United States or, under regulations approved by him, by such person or persons as he may designate.

4. No more than one National Security Medal shall be awarded to any one person, but for subsequent services justifying an award, a suitable device may be awarded to be worn with the Medal.

5. Members of the armed forces of the United States who are awarded the decoration established by this order are authorized to wear the medal and the ribbon symbolic of the award, as may be authorized by uniform regulations approved by the Secretary of Defense.

6. The decoration established by this order may be awarded posthumously.

HARRY S. TRUMAN

THE WHITE HOUSE,

January 19, 1953.

REGULATIONS GOVERNING THE AWARD OF THE NATIONAL SECURITY MEDAL

Pursuant to Paragraph 2 of Executive Order 10431, the following regulations are hereby issued to govern the award of the National Security Medal:

1. The National Security Medal may be awarded to any person without regard to nationality, including a member of the Armed Forces of the United States, who, on or after 26 July 1947, has made an outstanding contribution to the National intelligence effort. This contribution may consist of either exceptionally meritorious service performed in a position of high responsibility or of an act of valor requiring personal courage of a high degree and complete disregard of personal safety.

2. The National Security Medal with

2. The National Security Medal with accompanying ribbon and appurtenances, shall be of appropriate design to be approved by the Executive Secretary of the National Security Council.

3. The National Security Medal shall be awarded only by the President or his designed for that numbers

designee for that purpose.
4. Recommendations may be submitted to the Executive Secretary of the National Security Council by any individual having personal knowledge of the facts of the exceptionally meritorious conduct or act of valor of the candidate in the performance of outstanding serv-ices, either as an eyewitness or from the testimony of others who have personal knowledge or were eyewitnesses. Any recommendations shall be accompanied by complete documentation, including where necessary, certificates, affidavits or sworn transcripts of testimony. Each recommendation for an award shall show the exact status, at the time of the rendition of the service on which the recommendation is based, with respect to citizenship, employment, and all other

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THE PRESIDENT



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> material factors, of the person who is being recommended for the National Security Medal.

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5. Each recommendation shall contain a draft of an appropriate citation to accompany the award of the National Security Medal.

Approved: 463

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Chapter I:

HARRY S. TRULIAN January 19, 1953.

[F. R. Doc. 53-785; Filed, Jan. 19, 1953; 4:09 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I-Civil Service Commission

PART 2-APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

ELIGIBLE REGISTERS

Section 2.107 (e) is amended to read as follows:

§ 2.107 Eligible registers. * * * (e) (1) A veteran who was on active duty in the armed forces after June 30, 1950, and for that reason lost a period of eligibility on a competitive civil service register which has been terminated may have his name placed on the successor register, if:

(i) He has been honorably separated from the military service;

(ii) He applies for restoration of eligibility within 90 days after discharge from active military duty or from hospitalization continuing after discharge for not more than one year; and

(iii) He is still qualified to perform the duties of the position for which the

register is used.

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(2) Veterans who establish eligibility for entrance on a successor register in accordance with subparagraph (1) of this paragraph shall have their names entered at the top of the appropriate group on the successor register, if another eligible standing lower on the register on which their names formerly appeared was given a probational or an indefinite appointment from such register. For the purpose of determining the appropriate group, all 10-point veterans (including such restored veterans) will be considered as one group, and all other eligibles (including such restored 5-point veterans) as another group. However, for professional and scientific positions for which the basic entrance salary is more than \$3,000 per annum, all eligibles will be considered as one group.

(R. S. 1753, cec. 2, 22 Stat. 403; 5 V. S. C. 631, 633. E. O. 9339, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp.)

> UNITED STATES CIVIL SERV-ICE COMMISSION,

[SEAL] C. L. EDWARDS, Executive Director.

[P. R. Doc. 53-704; Filed, Jan. 21, 1953; 8:53 a. m.]

TITLE 7-AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 3]

PART 418-WHEAT CEOP INSURANCE

SUBPART-REGULATIONS FOR THE 1953 AND SUCCEEDING CEOP YEARS

DATE TABLE; OREGON AND WASHINGTON

The above-identified regulations, as amended (16 F. R. 9628, 11565; 17 F. R.

189, 10537) are hereby amended with respect to wheat crops insured for the 1954 and succeeding crop years, as follows:

Section 32 of the policy as shown in § 418.210 (formerly § 418.160) is amended for Oregon and Washington to read as

State and county	Cancel-	Dis-	Ma-
	lation	count	turity
	date	date	date
OregonWashington	June 30	June 30	July 31
	June 30	June 30	July 31

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1505, 1516. Interpret or apply secs. 507-509, 52 Stat. 73-75, as amended; 7 U. S. C. 1507-1509)

Adopted by the Board of Directors on January 12, 1953.

[SEAL]

R. J. Posson, Secretary,

Federal Crop Insurance Corporation.

Approved on January 16, 1953.

CHARLES F BRANNAN, Secretary of Agriculture.

[F. R. Doc. 53-686; Filed, Jan. 21, 1953; 8:51 a. m.]

[Amdt. 4]

PART 419—COTTON CROP INSURANCE

SUBPART-REGULATIONS FOR THE 1952 AND SUCCEEDING CROP YEARS

APPLICATION FOR INSURANCE: POLICY

The Cotton Crop Insurance Regulations for the 1952 and Succeeding Crop Years, as amended (16 F R. 7975, 11565; R. 2110, 5633, 8206, 8471) are amended as follows:

- 1. Section 419.4 Application for insurance, as amended, is amended by changing paragraph (c) to read as follows:
- (c) For any crop year applications shall be submitted to the county office on or before the following applicable closing date preceding such crop year:

(1) January 31 for Crosby, Floyd, Hale, Hockley, Lamb, Lubbock, and Lynn Counties, Texas.

(2) February 28 for Nueces County, Texas.

(3) March 25 for all counties in Arizona, California, and New Mexico.

(4) March 31 for Houston County, Alabama; Dooly County, Georgia, all parishes in Louisiana; Beckham and Custer Counties, Oklahoma; Covington, Jefferson Davis and Marion Counties, Mississippi; Orangeburg County South Carolina; and Bell, Collin, Ellis, Falls, Fannin, Grayson, Hill, Hunt, Lamar, Mc-Lennan, Milam, Navarro, and Williamson Counties, Texas.

(5) April 10 for all other counties.

2. Section 419.13 The policy, as amended, is amended by adding to section 31 thereof, as amended, the following:

	End of
State and county:	insurance period
Arkansas: Craighead	
Louisiana: Avoyelles Mississippi: Yazoo	
Texas:	1104.00
Hockley	
Nueces	Sept. 3

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1505, 1516. Interpret or apply secs. 507-509, 52 Stat. 73-75, as amended; 7 U. S. C. 1507-1509)

Adopted by the Board of Directors on January 12, 1953.

[SEAL]

R. J. Posson, Secretary

Federal Crop Insurance Corporation.

Approved on January 16, 1953.

CHARLES F BRANNAN. Secretary of Agriculture.

[F. R. Doc. 53-685; Filed, Jan. 21, 1953; 8:51 a. m.]

[Amdt. 11]

PART 420-MULTIPLE CROP INSURANCE SUBPART-REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

APPLICATION FOR INSURANCE

The above-identified regulations, as amended (14 F. R. 5303, 6787, 7827; 15 F R. 2485, 2622, 3077, 4161, 9033, 9271, 16 F. R. 579, 4300, 4829, 12111, 12765; 17 F. R. 2110, 2385, 3265, 3671, 5082, 5933, 8206, 10537, 11257, 11379 18 F R. 151) are hereby amended as follows:

1. Section 420.24, as amended, is amended to read as follows:

§ 420.24 Application for insurance. Application for insurance on a Corporation form entitled "Application for Multiple Crop Insurance" may be made by any person to cover his interest as landlord, owner-operator, tenant or sharecropper in all insurable crops in the county. For any crop year applications shall be submitted to the county office on or before the applicable closing date for such crop year. The closing dates for the 1953 crop year are as follows:

tate and county.	Closing dates
Arkansas	Mar. 31, 1953
Colorado:	
Conejos	Jan. 31, 1953
Las Animas	Do.
Montrose	Mar. 31, 1953
Morgan	Do.
Otero	Jan. 31, 1953
Weld	Mar. 31, 1953
Delaware	Do.
Georgia	Do.
Illinois	Do.
Indiana	Do.
Iowa	Do.
Kansas	Sept. 30, 1952
Louisiana	Mar. 31, 1953
Michigan	Do.
Minnesota	.Do.
Missouri:	
Audrain	Do.
Knox	
Lewis	
Nebraska	Mar. 31, 1953
New Jersey	Oct. 31, 1952
New York	
North Dakota	Mar. 31, 1953
Ohio	Do.

Closing dates
Sept. 30, 1952
• •
Dec. 15, 1952
Nov. 15, 1952
Dec. 15, 1952
Nov. 15, 1952
Dec. 15, 1952
Mar. 31, 1953
Oct. 31, 1952
Mar, 31, 1953
Mar. 31, 1953
Sept. 30, 1952
Mar. 31, 1953
Do.
Fob. 28, 1953
Do.
Mar. 31, 1953
Aug. 31, 1952
Sept. 30, 1952
Aug. 31, 1952
Oct. 31, 1952
Do.
Mar. 31, 1953
Oct. 31, 1952
Mar. 31, 1953
on amondade

(Secs. 506, 516, 52 Stat. 73, 77, as amonded; 7 U. S. C. 1505, 1516. Interpret or apply secs. 507-509, 52 Stat. 73-75, as amended; 7 U. S. C. 1507-1509)

Adopted by the Board of Directors on January 12, 1953.

[SEAL]

R. J. Posson, Secretary,

Federal Crop Insurance Corporation.

Approved on January 16, 1953.

CHARLES F BRANNAN. Secretary of Agriculture.

[F. R. Doc. 53-684; Filed, Jan. 21, 1953; 8:51 a. m.]

PART 422—CITRUS CROP INSURANCE

SUBPART-REGULATIONS FOR THE 1953 AND SUCCEEDING CROP YEARS

By virtue of the authority contained in the Federal Crop Insurance Act, as amended, these regulations are hereby published and prescribed to be in force and effect with respect to continuous citrus crop insurance contracts for the 1953 and succeeding crop years until amended or superseded by regulations hereafter made.

Secs. Availability of citrus crop insurance. 422.21 422.22 Coverages per acre. 422.23 Premium. 422.24 Application for insurance. The contract.
Public notice of indemnities paid. 422.25 422.26

422.27 Refund of excess premium payments. 422.28 Creditors. 422.29 The policy.

AUTHORITY: §§ 422.21 to 422.29 issued under secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U.S. C. 1505, 1516. Interpret or apply secs. 507–509, 52 Stat. 73–75, as amended; 7 U.S. C. 1507-1509.

§ 422.21 Availability of citrus crop insurance. (a) Citrus crop insurance will be provided in Polk County, Florida.

(b) Insurance will not be provided with respect to applications for citrus insurance filed in a county unless written applications, together with contracts in force for the ensuing crop year, cover the minimum number of farms prescribed by the Federal Crop Insurance Act, as amended. For this purpose an insurance unit shall be counted as one farm.

§ 422.22 Coverages per acre. The Corporation shall establish coverages per acre by areas which shall not be in excess of the maximum limitations prescribed by the Federal Crop Insurance Act, as amended. Coverages so established shall be shown on the county actuarial table which shall be on file in the county office and may be revised from year to year.

§ 422.23 Premium. (a) The Corporation shall establish premium rates per acre by areas for all acreage for which coverages are established and such rates shall be those deemed adequate to cover claims for citrus crop losses and to provide a reasonable reserve against unforeseen losses. Premium rates so established shall be shown on the county actuarial table which shall be on file in the county office and may be revised from year to year.

(b) The premium for each crop year shall be paid on or before April 30 preceding such crop year except that such date may be extended to the following August 31 upon the insured making arrangements satisfactory to the Corporation for the payment of the premium.

§ 422.24 Application for insurance. Application for insurance on a Corporation form entitled "Application for Citrus Crop Insurance" may be made by any person to cover his interest as landlord, owner-operator, or tenant in a citrus crop. For any crop year, applications shall be submitted to the county office on or before April 30 preceding such crop year.

§ 422.25 The contract. Upon acceptance of an application for insurance by the Corporation, the contract shall be in effect and will consist of the application and the policy issued by the Corporation.

§ 422.26 Public notice of indemnities paid. The Corporation shall provide for the posting annually in each county at the county courthouse of a list of indemnities paid for losses in such county.

§ 422.27 Refund of excess premium payments. Refund of any excess premium payment will be made only to the person who made such payment, except that where a person who is entitled to a refund of an excess premium payment has died, has been judicially declared incompetent or has disappeared, the provisions of the policy with reference to the payment of indemnities in any such case shall be applicable with respect to the making of any such refund.

§ 422.28 Creditors. An interest in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle any holder of any such interest to any benefit under the contract.

§ 422.29 The policy. The provisions of the policy for the 1953 and succeeding crop years are as follows:

In consideration of the representations and provisions in the application upon which this policy is issued, which application is made a part of the contract, and subject to the terms and conditions set forth or referred to herein, the Federal Crop Insurance Corporation (hereinafter designated as the "Corporation") does hereby insure

(Name) (Folicy No.)

(Address) (County)
(hereinafter designated as the "insured")
against unavoidable loss on his citrus crops
due to freeze, hall, hurricane, or tornado.

In witness whereof, the Corporation has caused this policy to be issued this _____day of _____, 195____.

FEDERAL CROP DISURANCE COMPONATION,
By

(State Crop Insurance Director)

TREMS AND CONDITIONS

1. Citrus crops insured. (a) The kinds of citrus insured shall be all varieties of oranges, grapefruit, and tangerines. (b) Insurance for each crop year of the contract shall cover the citrus crop that normally matures within such crop year, but shall not cover any fruit on the trees which is mature on, or which will mature within three months of, the beginning of the insurance period for that crop year.

crop year.

2. Insurable acreage. For each crop year of the contract, any acreage is insurable only if a coverage is shown therefor on the county actuarial table on the closing date for filing applications for that crop year. Acreages having a potential production for any crop year of less than 100 standard field boxes acreages a uninsurable for that crop year.

per acre is uninsurable for that crop year.

3. Responsibility of insured to report acreage and interest. For the initial crop year of the contract, the insured shall specify on his application the number of insurable acres of citrus in the county in which he expects to have an interest as of May 1 of such crop year and his expected interest in each such acreage. These data shall be revised by the insured on or before May 15 of each crop year provided that the data on the application or latest revision is incorrect, to show the actual insurable acreage of citrus in which he has an interest on May 1 of that crop year and his interest therein. If such data are not so reviced for any crop year, the data on the latest revision or the application if there has been no revision, shall constitute the insured's report of his citrus acreage and his interest therein on May 1 for such crop year.

4. Insured acreage. For each crop year of the contract the insured acreage with respect to each insurance unit shall be the insurable acreage of citrus in which the insured has an interest on May 1, as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect.

5. Insured interest. For each crop year of the contract the insured interest in the citrus crops covered by the contract chall be the insured's interest on May 1 as reported by the insured or the interest which the Corporation determines as the insured's actual interest in the insurable citrus crops on that date, whichever the Corporation chall elect. For the purpose of determining the amount of any loss the insured interest chall not exceed the insured's actual interest at the time of damage.

6. Coverage per acre. The coverage per acre shall be the number of dollars established by the Corporation for the arca in which the insured acreage is located, and will be shown on the county actuarial table on file in the county office.

7. Insurance period. Insurance chall attach on May 1 of each crop year. Insurance shall cease with respect to any portion of a citrus crop covered by the contract upon harvest but in no event shall the insurance remain in effect after June 30 of the calendar year following the year in which the insurance period begins, unless such time is extended in writing by the Corporation.

8. Life of contract, cancellation or termination thereof. (a) Subject to the provisions of this and the following section, the contract shall be in effect for the first crop year specified on the application and shall continue in effect for each succeeding crop year unless terminated for non-payment of premium or canceled by either the insured

or the Corporation.

(b) The contract shall terminate if for any crop year (1) the premium, computed on the basis of the insured's last report of his citrus acreage, is not paid on or before April 30 preceding such crop year, or (2) any additional premium resulting from changes which are made by May 15 of the crop year pursuant to action taken under Sections 3, 4, or 5, payment of which is requested in writing by the Corporation, is not paid on or before May 31 of such crop year. Any termination under this subsection shall become effective beginning with the crop year for which such premium is not paid. For the purpose of this section, any premium or part thereof for which the county office has approved an accignment to recure payment shall be deemed paid.

(c) Cancellation may be made by either party giving written notice to the other party on or before the cancellation date which shall be the April 30 preceding the beginning of the crop year for which the cancellation is to become effective. The insured shall give such notice to the county office. The Corporation shall mail notice of cancellation to the insured's last known address and the mailing of such notice shall constitute notice to the insured.

(d) If the minimum participation requirement as established by the Corporation is

not met for any year the contract shall continue in force only to the end of the crop year for which such requirement is not met, except that if the minimum participation requirement is met on or before the next succeeding closing date for filing applications for insurance the contract shall continue to be in force.

9. Death or incompetence of the insured. The contract shall terminate upon death or judicial declaration of incompetence of the insured, except that if such death or judicial declaration of incompetence occurs after the beginning of the insurance period in any crop year but before the end of the insurance period for such year, the contract shall terminate at the end of the latest insurance period for which insurance attached.

10. Changes in contract. The Corporation

10. Changes in contract. The Corporation reserves the right to change the premium rate(a), insurance coverage(s) and other terms and provisions of the contract from year to year. Notice of such changes shall be mailed to the incured at least 30 days prior to the cancellation date. Failure of the insured to cancel the contract as provided in section 8 shall constitute his acceptance of any such changes. If no notice is mailed to the insured, the terms and provisions of the contract for the prior year shall continue in force.

11. Causes of loss not insured against.

11. Causes of loss not insured against. The contract shall not cover loss caused by (a) failure to follow recognized good grove practices, (b) failure properly and without unreasonable delay to care for, harvest, salvage, or market the insured crops, (c) failure of a marketing agency or buyer to accept delivery of marketable fruit, (d) drought, (e) flood, (f) lightning, (g) fire, (h) excessive rain, (i) wildlife, (i) insect infestation,

(k) plant disease, (1) normal dropping of fruit, (m) neglect or malfeasance of the insured or of any person in his household or employment or connected with the grove as caretaker, tenant or wage hand, or (n) any cause of loss other than freeze, hail, hurricane, or tornado; nor shall it cover damage to blossoms.

12. Amount of annual premium. (a) The premium rate per acre will be the applicable number of dollars established by the Corporation for the coverage and rate area in which the insured acreage is located and will be shown on the county actuarial table on file in the county office. The annual premium for each insurance unit under the contract will be based upon (1) the insured acreage, (2) the applicable premium rate(s), and (3) the insured interest(s) in citrus crop(s) on May 1 of each crop year. annual premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. The annual premium with respect to any insured acreage shall be regarded as earned on May 1 of each crop year.

(b) 'The insured's annual premium may be reduced 25 percent if he has had seven consecutively insured citrus crops (immediately preceding the current crop year) without a loss for which an indemnity was paid. See Section 27 for definition of "consecutively insured crops" Nothing in this paragraph shall create in the insured any right

to a reduced premium.

13. Manner of payment of premium. Payment on any annual premium shall be made by means of cash or by check, money order, postal note, or bank draft payable to the order of the Treasurer of the United States. All checks and drafts will be accepted subject to collection and payment tendered shall not be regarded as paid unless collection

(b) There shall be no refund of any annual premium overpayment of less than \$1.00 unless written request for such refund is received by the Corporation within one year

after the payment thereof.

14. Notice of loss or damage. loss under the contract is probable on any insurance unit, notice in writing (unless otherwise provided by the Corporation) for such insurance unit shall be given the Corporation at the county office within 7 days after each material damage to the insured crop on the insurance unit from an insured cause. Such notice shall state the cause and date of damage and the insured's estimate

of the percentage of damage.
(b) In the case of freeze or hail, if the extent of damage cannot be determined until after the damaged fruit is harvested, an additional notice in writing (unless otherwise provided by the Corporation), stating the date that harvest of the damaged fruit was completed for the insurance unit, shall be given the Corporation at the county office

within 15 days of such date.

(c) If notice(s) is not given as required by this section, the Corporation reserves the right to reject any claim for indemnity.

15. No abandonment. There shall be no liability under the contract on any citrus crop or part thereof which is abandoned by the insured without a release by the Corporation. There shall be no abandonment of any crop or portion thereof to the Corpora-

16. Proof of loss. For each insurance unit on which a loss is claimed, the insured shall submit to the Corporation, on a Corporation form entitled "Statement in Proof of Loss for Citrus" such information regarding the manner and extent of the loss as may be required by the Corporation. This form containing such information shall be executed and submitted for each loss claimed. within (a) 90 days after the time of damage in the case of hurricane or tornado or (b) 60 days after the completion of harvesting

the damaged fruit in the case of freeze or hail, but in no event later than July 31 following the crop year in which the loss occurred, unless the time for submitting the claim is extended in writing by the Corporation. It shall be a condition precedent to any liability under the contract that the insured establish the amount of any loss for which claim is made, and that such loss has been directly caused by one or more of the hazards insured against during the insur-ance period, and that the insured further establish that no part of the loss has arisen from or been caused by, either directly or indirectly, any of the causes of loss not in-

sured against by the contract.
17. Insurance unit. Losses shall be determined separately for each insurance unit except as provided in section 18 (e). An insurance unit consists of (a) all the insurable acreage of citrus in the county in which the insured has 100 percent interest on May 1 of the crop year, that is located on contiguous land under the same ownership, or (b) all such insurable acreage in the county in which two or more persons have 100 percent interest on May 1 of the crop year, that is located on contiguous land under the same ownership, excluding any other acreage of citrus in which such persons do not have 100 percent interest on such date. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee. Contiguous land shall include only land that is touching at any point except that land that is separated only by a public or private way shall be considered contiguous. For any crop year of the contract acreage shall be considered to be located in the county if a coverage is shown therefor on the county actuarial table.

18. Amount of loss. (a) The amount of loss with respect to any insurance unit shall be determined by multiplying the coverage for such unit by the weighted average percent of damage for all citrus crops on such unit, except that no loss shall be payable if the weighted average percent of damage for the unit on the insured crop during the in-surance period is less than 10 percent.

(b) The amount of coverage with respect to any insurance unit shall be determined by multiplying the insured acreage of citrus on such unit by the insured interest and the result by the coverage per acre.

(c) The weighted average percent of damage for all citrus crops on any insurance unit shall be based upon the percent of damage to each kind of fruit on the unit and the insurable acreage in each such kind.

(d) The percent of damage for each kind of fruit on any insurance unit shall be the ratio of the number of standard field boxes of fruit lost from an insured cause(s) to the total number of standard field boxes of such kind of fruit which was or would have been produced, as determined by the Corporation. In the case of partial damage by freeze or hail, the number of standard field boxes of partially damaged fruit lost will be determined by the Corporation on the basis of 85 pounds per box for grapefruit, 90 pounds per box for oranges, and 95 pounds per box for tangerines. The number of boxes of each kind of fruit which was or would have been produced shall include (1) fruit picked before the insured damage occurs, (2) fruit remaining on the trees after the damage occurs, (3) fruit lost from the insured cause(s) of damage, and (4) any other fruit not included in items (1) through (3), including fruit lost from causes not insured against. against. Fruit lost shall include any fruit which is unmarketable as fruit or for juice due to an insured cause(s) and the destroyed portion (based on weight) of any fruit which is partially damaged by freeze or

hail, as determined by the Corporation.
(e) If production from two or more insurance units, or from any insurance unit(s) and uninsured acreage, is commingled, and

the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may (i) allocate either the commin-gled production or the amount of loss or both between the acreage involved in any manner it deems appropriate or (ii) void the insurance on the insurance unit(s) involved and declare the premium for such unit(s) forfeited by the insured.

19. Payment of indemnity. (a) Indemnities shall be paid only by check. The amount of indemnity will be payable within 30 days after a satisfactory proof of loss is approved by the Corporation but if payment is delayed for any reason the Corporation shall not be liable for interest or damages on account of

such delay.

(b) Indemnities shall be subject to all provisions of the contract, and the Corporation shall have the right to deduct from any indemnity the unpaid amount of any obligation of the insured to the Corporation.

(c) Any indemnity payable under the contract shall not be subject to attachment, levy, garnishment, or any other legal process before payment to the insured or such other

person(s) as may be entitled thereto under the provisions of the contract.

(d) If a check issued in payment of an indemnity is returned undeliverable at the last known address of the payee, and if such payee or other person entitled to the indemnity makes no claim for payment within two years after the issuance of the check, such claim shall not thereafter be payable except with the consent of the Corporation.

20. Payment to transferee. (a) If the insured transfers all or a part of his insured interest in a citrus crop before the end of the insurance period the transferes upon written request made by the transferor will be entitled to the benefits, and subject to the terms and conditions, of the contract accruing after the transfer with respect to the interest so transferred. Any transfer shall be subject to any collateral assignment made by the original insured in accordance with section 22. However, the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than would have been paid if the transfer had not taken place.

(b) If a transfer is effected in accordance with paragraph (a) above, the contract of the transferor shall cover the interest so transferred only to the end of the insurance period for the crop year during which the

transfer is made.

21. Determination of person to whom indemnity shall be paid. If the insured dies, is judicially declared incompetent or disappears during an insurance period any indemnity which is or becomes part of his estate shall be paid to the legal representative of the estate. Should no such representative be qualified, the Corporation may pay the indemnity to the person(s) it de-termines to be beneficially entitled thereto or to any one or more of such persons on or to any one or more or such persons on behalf of all such persons or may withhold payment until a legal representative of the estate is qualified. In such case, and in any other case where an indemnity is claimed by a person(s) other than the original insured or diverse interests appear with respect to any insurance unit, the determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment shall be made shall be final and conclusive. Payment of an indemnity shall constitute a complete discharge of the Corporation's obligations with respect to the loss for which such indemnity is paid and shall be a bar to recovery by any other person(s).

22. Collateral assignment. The original insured may assign his right to an indomnity for any year under the contract by executing a Corporation form entitled "Collateral Assignment" and upon approval thereof by the Corporation the interest of the assignee will be recognized and the assignee shall have the right to submit the loss notices and forms as required by the contract if the insured neglects or refuses to take such action.

23. Records and access to grove. For the purpose of enabling the Corporation to determine any loss that may have occurred under the contract, the insured shall keep, or cause to be kept, for two years after the time of loss, records of the harvesting, storage, shipment, sale, or other disposition of all citrus produced on each insurance unit covered by the contract, and separate records showing the same information for production on any uninsured acreage in the county in which he has an interest. As often as may be reasonably required, any person(s) designated by the Corporation shall have access to such records and the grove(s) for purposes related to the contract.

related to the contract.

24. Voidance of contract. The Corporation may void the contract and declare the premium(s) forfeited without waiving any right or remedy, including the right to collect the amount of the premiums if (a) at any time, either before or after loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, or the subject thereof, or (b) the insured shall neglect to use all reasonable means to care for, save or salvage the citrus crop(s) whether before or after damage has occurred, or (c) the insured fails to give any notice, or otherwise fails to comply with the terms of the contract at the time and in the manner prescribed.

25. Modification of contract. No notice to any representative of the Corporation or knowledge possessed by any such representative or by any other person shall be held to effect a waiver of or change in any part of the contract, or to estop the Corporation from asserting any right or power under such contract, nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized officer or representative of the Corporation; nor shall any provision or condition of the contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder or by any requirement, act, or proceeding on the part of the Corporation or of its representatives relating to appraisal or to any examination herein provided for.

any examination herein provided for.

26. General. (a) In addition to the terms and provisions in the application and policy, the Citrus Crop Insurance Regulations for continuous contracts in effect for the crop year shall govern with respect to (1) minimum participation requirement, (2) payment of premium, (3) closing date for filing applications for insurance, (4) refund of excess premium payments, and (5) creditors.

(b) Copies of the regulations and forms referred to in this policy are available at the county office.

(c) When the cancellation date, the date(s) by which a premium(s) must be paid, or the closing date for filing applications falls on a Sunday or other day on which the county office is not officially open for business, such date shall be extended to the next business day.

27. Meaning of terms. (a) "Consecutively insured crops" means the citrus crops insured in consecutive years during which insurance was available. Failure to apply for insurance in any year when insurance is offered in the county in which the insured's grove is located shall break the insured's continuity of consecutively insured crops prior to such year, even though insurance may not be provided in the county during such year because of failure to meet the minimum participation requirement: Provided, however, That failure to apply for

insurance for any year will not break the continuity of consecutively insured crops, if (1) the failure to apply for insurance was due to service in active military or naval service of the United States, or (2) the insured establishes, to the catisfaction of the Corporation, that failure to apply for insurance was due to the fact that he had no insurable interest in a citrus crop in that year.

(b) "Contract" means the accepted application for insurance and this policy.

(c) "County actuarial table" means the

(c) "County actuarial table" means the form(s) and related materials (including the crop insurance maps) approved annually by the Corporation for listing the coverage per acre and the premium rates per acre applicable in the county.
(d) "County office" means the Production

(d) "County office" means the Production and Marketing Administration county-office unless another office is specified by the Cor-

poration.

(e) "Crop year" means the period beginning May 1 and extending through June 30 of the following calendar year and chall be designated by reference to the calendar year in which the insurance period begins.

(f) "Harvest" means (i) any severance of the fruit from the tree either by pulling or clipping or (ii) picking the marketable fruit from the ground.

(g) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

Note: The record keeping requirements of these regulations have been approved by, and subsequent reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on January 12, 1953.

[SEAL]

R. J. Posson, Secretary,

Federal Crop Insurance Corporation.

Approved on January 16, 1953.

CHARLES F. BRANNAN, Secretary of Agriculture.

[F. R. Doc. 53-683; Filed, Jan. 21, 1953; 8:50 a.m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I — Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

Part 150—Orders of the Commodity Exchange Commission

[Hearing Docket CE-P 8]

LIMITS ON POSITION AND DAILY TRADING IN COTTONSEED OIL FOR PUTURE DELIVERY

Findings of fact. Pursuant to the provisions of section 4a of the Commodity Exchange Act (7 U. S. C. 6a), the Commodity Exchange Commission, after investigation and full consideration of the record made at public hearing held in Washington, D. C., on July 28 and 29, 1952, of which due public notice had been given and at which all persons were given opportunity to hear, present, refute, and comment on evidence in the premises, does hereby find:

(a) Subject to the exception set forth in paragraph (c) of these findings, trad-

ing in cottonseed oil for future delivery on or subject to the rules of a contract market by a person who holds or controls a speculative net position of more than 3,600,000 pounds, long or short, in any one future or in all futures combined in cottonseed oil, on or subject to the rules of such contract market, tends to cause sudden or unreasonable fluctuations or changes in the price of cottonseed oil not warranted by changes in the conditions of supply or demand.

(b) Subject to the exception set forth in paragraph (c) of these findings, speculative buying or selling by a person during one business day of more than 3,600,000 pounds in any one future or in all futures combined in cottonseed oil, on or subject to the rules of a contract market, tends to cause sudden or unreasonable fluctuations or changes in the price of cottonseed oil not warranted by changes in the conditions of supply or demand.

(c) There is economic justification for the sale of, and a net short position in, cottonseed oil for future delivery on or subject to the rules of a contract market, by a processor of cottonseed to the extent that such sale, or net short position, is offset in quantity by the oil content of cash (spot) cottonseed owned or purchased by such processor, provided the price risk incident to such ownership or purchase is not otherwise offset.

Conclusions. Upon the foregoing facts, it is concluded that in order to prevent excessive speculation in cottonseed oil futures which will cause sudden, unreasonable, or unwarranted fluctuations or changes in price resulting in an undue and unnecessary burden on interstate commerce in cottonseed oil, it is necessary to establish limits on the amount of speculative trading under contracts of sale of cottonseed oil for future delivery on or subject to the rules of contract markets which may be done by any person; that 3,600,000 pounds is a reasonable limit on the net long or net short speculative position which any person may hold or control, and upon the daily speculative purchases or sales which any person may make, in any one future or in all futures combined in cottonseed oil on or subject to the rules of any contract market; that sales and net short positions described in paragraph (c) of the findings of fact (and the closing out of such net short positions) should be exempted from this limit.

§ 150.6 Limits on position and daily trading in cottonseed oil for future delivery. The following limits on the amount of trading under contracts of sale of cottonseed oil for future delivery on or subject to the rules of any contract market, which may be done by any person, are hereby proclaimed and fixed, to be in full force and effect on and after April 1, 1953.

(a) Position limit. The limit on the

(a) Position limit. The limit on the maximum net long or net short position which any person may hold or control in cottonseed oil on or subject to the rules of any one contract market is 3,600,000 pounds in any one future or in all futures combined.

(b) Daily trading limit. The limit on the maximum amount of cottonseed oil

which any person may buy, and on the maximum amount which any person may sell, on or subject to the rules of any one contract market during any one business day is 3,600,000 pounds in any one future or in all futures combined.

(c) Exemptions. The foregoing limits upon position and upon daily trading shall not be construed to apply (1) to bona fide hedging transactions, as defined in section 4a (3) of the Commodity Exchange Act (7 U. S. C. 6a (3)) nor (2) to sales or net short positions (or the closing out thereof) of a processor of cottonseed to the extent that such sales or net short positions are offset in quantity by the oil content of cash (spot) cottonseed owned or purchased by such processor, provided the price risk incident to such ownership of purchase is not otherwise offset.

(d) Manipulation; corners; responsibility of contract market. Nothing contained in this section shall be construed to affect any provisions of the Commodity Exchange Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5 (d) of the Commodity Exchange Act (7 U. S. C. 7 (d)) to prevent manipulation and

corners.
(e) Definition. As used in this section, the word "person" includes individuals, associations, partnerships, corporations, and trusts.

(Sec. 4a, 49 Stat. 1492; 7 U. S. C. 6a)

Issued this 16th day of January 1953.

Commodity Exchange Commission,
[Seal] Charles F. Brannan,
Secretary of Agriculture, Chairman.
Charles Sawyer,
Secretary of Commerce.
James P McGranery,
Attorney General.

[F. R. Doc. 53-681; Filed, Jan. 21, 1953; 8:50 a. m.]

[Hearing Docket CE-P 8]

PART 150—ORDERS OF THE COMMODITY EXCHANGE COMMISSION

LIMITS ON POSITION AND DAILY TRADING IN SOYBEAN OIL FOR FUTURE DELIVERY

Findings of fact. Pursuant to the provisions of section 4a of the Commodity Exchange Act (7 U. S. C. 6a), the Commodity Exchange Commission, after investigation and full consideration of the record made at public hearing held in Washington, D. C., on July 28 and 29, 1952, of which due public notice had been given and at which all persons were given opportunity to hear, present, refute, and comment on evidence in the premises, does hereby find:

(a) Subject to the exception set forth in paragraph (c) of these findings, trading in soybean oil for future delivery on or subject to the rules of a contract market by a person who holds or controls a speculative net position of more than 3,000,000 pounds, long or short, in any one future or in all futures combined in soybean oil, on or subject to the rules of such contract market, tends to cause sudden or unreasonable fluctuations or

changes in the price of soybean oil not warranted by changes in the conditions of supply or demand.

(b) Subject to the exception set forth in paragraph (c) of these findings, speculative buying or selling by a person during one business day of more than 3,000,000 pounds in any one future or in all futures combined in soybean oil, on or subject to the rules of a contract market, tends to cause sudden or unreasonable fluctuations or changes in the price of soybean oil not warranted by changes in the conditions of supply or demand.

(c) There is economic justification for the sale of, and a net short position in, soybean oil for future delivery on or subject to the rules of a contract market, by a processor of soybeans to the extent that such sale, or net short position, is offset in quantity by the oil content of cash (spot) soybean owned or purchased by such processor, provided the price risk incident to such ownership or purchase is not otherwise offset.

Conclusions. Upon the foregoing facts, it is concluded that in order to prevent excessive speculation in soybean oil futures which will cause sudden, unreasonable, or unwarranted fluctuations or changes in price resulting in an undue and unnecessary burden on interstate commerce in soybean oil, it is necessary to establish limits on the amount of speculative trading under contracts of sale of soybean oil for future delivery on or subject to the rules of contract markets which may be done by any person; that 3,000,000 pounds is a reasonable limit on the net long or net short speculative position which any person may hold or control, and upon the daily speculative purchases or sales which any person may make, in any one future or in all futures combined in soybean oil on or subject to the rules of any contract market; that sales and net short positions described in paragraph (c) of the findings of fact (and the closing out of such net short positions) should be exempted from this limit.

§ 150.7 Limits on position and daily trading in soybean oil for future delivery. The following limits on the amount of trading under contracts of sale of soybean oil for future delivery on or subject to the rules of any contract market, which may be done by any person, are hereby proclaimed and fixed, to be in full force and effect on and after April 1, 1953.

(a) Position limit. The limit on the maximum net long or net short position which any person may hold or control in soybean oil on or subject to the rules of any one contract market is 3,000,000 pounds in any one future or in all futures combined.

(b) Daily trading limit. The limit on the maximum amount of soybean oil which any person may buy and on the maximum amount which any person may sell, on or subject to the rules of any one contract market during any one business day is 3,000,000 pounds in any

one future or in all futures combined.

(c) Exemptions. The foregoing limits upon position and upon daily trading shall not be construed to apply (1) to bona-fide hedging transactions, as defined in section 4a (3) of the Commodity

Exchange Act (7 U. S. C. 6a (3)), nor (2) to sales or net short positions (or the closing out thereof) of a processor of soybeans to the extent that such sales or net short positions are offset in quantity by the oil content of cash (spot) soybeans owned or purchased by such processor, provided the price risk incident to such ownership or purchase is not otherwise offset.

(d) Manipulation, corners; responsibility of contract market. Nothing contained in this section shall be construed to affect any provisions of the Commodity Exchange Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5 (d) of the Commodity Exchange Act (7 U. S. C. 7 (d)) to prevent manipulation and corners.

(e) Definition. As used in this section, the word "person" includes individuals, associations, partnerships, corporations, and trusts.

(Sec. 4a, 49 Stat. 1492; 7 U.S. C. 6a)

Issued this 16th day of January 1953.

Commodity Exchange
Commission,
[Seal] Charles F Brannan,
Secretary of Agriculture, Chairman.
Charles Sawyer,
Secretary of Commerce.
James P. McGranery,
Attorney General.

[F. R. Doc. 53-680; Filed, Jan. 21, 1953; 8:50 a.m.]

[Hearing Docket CE-P 8]

PART 150—ORDERS OF THE COMMODITY
EXCHANGE COMMISSION

LIMITS ON POSITION AND DAILY TRADING IN LARD FOR FUTURE DELIVERY

Findings of fact. Pursuant to the provisions of section 4a of the Commodity Exchange Act (7 U. S. C. 6a), the Commodity Exchange Commission, after investigation and full consideration of the record made at public hearing held in Washington, D. C., on July 28 and 29, 1952, of which due public notice had been given and at which all persons were given opportunity to hear, present, refute, and comment on evidence in the premises, does hereby find:

(a) Trading in lard for future delivery on or subject to the rules of a contract market by a person who holds or controls a speculative net position of more than 1,600,000 pounds, long or short, in any one future or in all futures combined in lard, on or subject to the rules of such contract market, tends to cause sudden or unreasonable fluctuations or changes in the price of lard not warranted by changes in the conditions of supply or demand.

(b) Speculative buying or selling by a person during one business day of more than 1,600,000 pounds in any one future or in all futures combined in lard, on or subject to the rules of a contract market, tends to cause sudden or unreasonable fluctuations or changes in the price of lard not warranted by changes in the conditions of supply or demand.

Conclusions. Upon the foregoing facts, it is concluded that in order to prevent excessive speculation in lard futures which will cause sudden, unreasonable, or unwarranted fluctuations or changes in price resulting in an undue and unnecessary burden on interstate commerce in lard, it is necessary to establish limits on the amount of speculative trading under contracts of sale of lard for future delivery on or subject to the rules of contract markets which may be done by any person; that 1,600,-000 pounds is a reasonable limit on the net long or net short speculative position which any person may hold or control, and upon the daily-speculative purchases or sales which any person may make, in any one future or in all futures combined in lard on or subject to the rules of any contract market.

§ 150.8 Limits on position and daily trading in lard for future delivery. The following limits on the amount of trading under contracts of sale of lard for future delivery on or subject to the rules of any contract market, which may be done by any person, are hereby proclaimed and fixed, to be in full force and effect on and after April 1, 1953.

(a) Position limit. The limit on the maximum net long or net short position which any person may hold or control in lard on or subject to the rules of any one contract market is 1,600,000 pounds in any one future or in all futures combined.

(b) Daily trading limit. The limit on the maximum amount of lard which any person may buy, and on the maximum amount which any person may sell, on or subject to the rules of any one contract market during any one business day is 1,600,000 pounds in any one future or in all futures combined.

(c) Bona fide hedging. The foregoing limits upon position and upon daily trading shall not be construed to apply to bona fide hedging transactions, as defined in section 4a (3) of the Commodity Exchange Act (7 U.S. C. 6a (3))

(d) Manipulation; corners; responsibility of contract market. Nothing contained in this section shall be construed to affect any provisions of the Commodity Exchange Act relating to manipulation or corners nor to relieve any contract market or its governing board from responsibility under section 5 (d) of the Commodity Exchange Act (7 U.S. C. 7 (d)) to prevent manipulation and corners.

(e) Definition. As used in this section, the word "person" includes individuals. associations, partnerships, corporations, and trusts.

(Sec. 4a, 49 Stat. 1492; 7 U. S. C. 6a)

Issued this 16th day of January 1953.

COMMODITY EXCHANGE COMMISSION, CHARLES F. BRANNAN. [SEAL] Secretary of Agriculture, Chairman. CHARLES SAWYER, Secretary of Commerce. JAMES P. MCGRANERY, Attorney General.

[F. R. Doc. 53-682; Filed, Jan. 21, 1953;

8:50 a. m.] No. 14-2

TITLE 22—FOREIGN RELATIONS

Chapter II—Mutual Security Agency zation number is as follows: [MSA Reg. 1, as issued on Dec. 30, 1951, Amdt. 1]

PART 201-PROCEDURES FOR FURNISHING Assistance to Participating Countries

MISCELLANEOUS AMENDMENTS

MSA Regulation 1 is amended in the following respects:

follows:

§ 201.3 Dollar allotments, procurement authorization applications and procurement authorizations-(a) Dollar allotments and procurement authorization applications. MSA will determine from time to time an amount of dollars to be made available as dollar allotments to each participating country for the purchase of commodities and services. From time to time thereafter, the participating country will, on the basis of the available allotments made by MSA, indicate on procurement authorization applications the dollar amounts of the commodities and services which the country desires to procure with its allotted funds. Two comes of each procurement authorization application filed with MSA, Washington, D. C., will simultaneously be filed with the MSA Mission to the participating country. Supplementary information with respect to procurement authorization applications may be required from time to time.

(b) Procurement authorizations. (1) MSA will review each procurement authorization application to determine that the proposed purchases of commodities and services for delivery to the participating country are in accordance with the objectives of the laws under which aid to the participating country is authorized. Upon such a determination, MSA will, as soon as practicable, issue appropriate procurement authorizations. These procurement authorizations will cover the commodities and services for the purchase of which the participating country may make sub-authorizations to importers, and will specify the maximum dollar amounts which MSA will finance, the source from which the commodities and services (other than ocean transportation) are to be obtained, the periods during which contracts and/or deliveries are to be made, and any other provisions deemed necessary by MSA. Each procurement authorization will bear a procurement authorization number, and the issuance of a procurement authorization will constitute authority to the participating country to sub-authorize its importers to use the procurement authorization number in placing orders for the purchase of the commodities and services specified in the procurement authorization to be delivered to the participating country. Participating countries may request MSA to make Participating changes in procurement authorizations where deemed necessary or proper.

(2) Procurement authorization numbers will indicate the participating country to which the authorization is given. the commodity code number, the source from which the commodity or services

are to be obtained, and a serial number. An example of a procurement authori-

23	610	co	3001
Participating country	Commodity code	Source	Serial No.
France.	Bread grains	v. s	

- (c) Commodity codes. Procurement 1. Section 201.3 is amended to read as authorization applications will be made in terms of the MSA Commodity Codes which are listed in the official MSA Commodity Code Book, as revised July 1, 1952, or in subsequent revisions. Authorization will normally be made in the same commodity codes, but in certain instances the procurement authorization may be restricted to one or more commodities within a commodity code.
 - 2. Section 201.5 is amended to read as follows:

§ 201.5 Contracts and deliveries eli-gible for financing under procurement authorizations-(a) Commodity and services procurement authorizations-(1) Contracts. (i) Contracts for the purchase of commodities and services will not be eligible for financing under a procurement authorization if made prior to the date of issuance, or in the event that an initial contracting date is specifled, if made prior to the specified date.

(ii) Procurement authorizations will indicate, in addition to an initial contracting date, a contract cut-off date. The contract cut-off date will normally be three to six months subsequent to the first day of the month following the month in which the procurement authorization is issued. In making sub-authorizations to importers, the participating country must specify that contracts under the sub-authorizations must be made on or before the contract cut-off date. Contracts made after the contract cut-off date will not be eligible for financing under the procurement au-thorization unless deliveries under such contracts are made within the delivery period specified on the procurement authorization (see subparagraph (3) of this paragraph)

(2) Reporting. The participating country shall, in accordance with instructions issued by MSA, report within 30 days after the contract cut-off date the total or estimated total value of all contracts entered into pursuant to subauthorizations made under the procurement authorization, whether or not deliveries have actually been made. If the total or estimated total value of such contracts, as so reported, is less than the total dollar amount of the procurement authorization, the procurement authorization will be reduced by the amount of the difference. If no such report is filed by the participating country within 30 days after the contract cut-off date, MSA will assume that the procurement authorization has been fully sub-authorized and contracted for, and no reduction in the procurement authorization will be made.

(3) Deliveries. Each procurement authorization will also state a delivery period. The period will be indicated

normally by two dates: (i) The date before which deliveries may not be made (initial delivery date) and (ii) the date on or before which deliveries must be made (terminal delivery date) Where, however, an initial delivery date is not specified, the date of issuance of the procurement authorization shall be deemed to be the initial delivery date. Deliveries made before the initial delivery date or after the terminal delivery date will not be eligible for MSA financing under the procurement authorization. MSA may extend the terminal delivery date for limited periods on an individual contract basis, if the contract was made on or before the contract cut-off date.

- (b) Submission of documentation of delivery. In the case of reimbursement by letter of commitment to a bank, the submission of documentation shall be in accordance with § 201.16 (c) (2) In the case of other types of reimbursement, proper documentation of deliveries, in accordance with § 201.19, must be presented to the Controller, MSA, Washington, D. C., within 90 days after the latest date on which deliveries may take place under the procurement authorization.
- (c) Ocean transportation procurement authorizations. Ocean transportation procurement authorizations will not be subject to the provisions of paragraphs (a) and (b) of this section, but will be subject to the following provisions:
- (1) Deliveries. (1) Delivery of ocean transportation services may be made at any time on or after the initial delivery date and on or before the terminal delivery date specified on the procurement authorization.
- (ii) The date of delivery of ocean transportation services shall be deemed to be the date of the relative bill of lading, or airway bill, or the cablegram alternatively submitted under section 201.19.
- (2) Submission of documentation of delivery. In the case of reimbursement by letter of commitment to a bank, the submission of documentation shall be in accordance with § 201.16 (c) (2) In the case of other types of reimbursement, proper documentation in accordance with § 201.19 (b) must be presented to the Controller, MSA, Washington, D. C., within 90 days after the date of the bill of lading covering ocean shipment.
- (d) Ships' dollar disbursement procurement authorizations. Ships' dollar disbursement procurement authorizations will not be subject to the provisions of paragraphs (a) (b) and (c) of this section, but will be subject to the following provisions:
- (1) Deliveries. (i) Delivery of commodities and services included within ships' dollar disbursements may be made at any time on or after the initial delivery date and on or before the terminal delivery date specified on the procurement authorization.
- (ii) The date of delivery of such commodities and services shall be deemed to be the date of the vessel's departure from the last dollar port of call prior to return to the participating country.

- (2) Submission of documentation. Proper documentation in accordance with § 201.19 (e) must be presented to the Controller, MSA, Washington, D. C., within 120 days after the date of delivery as defined in subparagraph (1) of this paragraph.
- 3a. Section 201.6 (h) (1) (i) is deleted. Section 201.6 (h) (1) (ii) is renumbered § 201.6 (h) (1) (i) and is amended to read as follows:
- (i) Placed by the importer (or by the supplier or any other person if authorized so to do by the importer in a cable, written document, or the letter of credit) and authorized in the subauthorization; and
- b. Section 201.6 (h) (1) (iii) is renumbered § 201.6 (h) (1) (ii)
- 4. The last sentence of § 201.7 (c) (1) (iii) is amended to read as follows: "Amounts earned for dispatch shall be credited first against demurrage, if any, incurred in connection with the same voyage; the balance, supported by the vessel's signed laytime statement(s), shall then be refunded to the Controller, MSA, Washington, D. C., within 90 days after date of discharge of the cargo on which dispatch was earned."
- 5. Section 201.16 (c) (8) is amended to read as follows:
- (8) In the event that the banking institution shall file with MSA a certificate as specified in the third paragraph of § 201.19 (a) (3), or a modified certificate as permitted in § 201.23 (o), it shall be repaid and reimbursed by the Director for the costs, expenses and liabilities paid or incurred by it subsequent to the receipt by MSA of the certificate, as a result either of its following instructions received from the Director, or of its continued holding of documents pending the receipt of such instructions.
- 6. The second sentence of § 201.17 (b) is amended to read as follows: "If a notice of assignment is sent to the Director and the Department of the Treasury under the Assignment of Claims Act of 1940, as amended, such notice shall not be effective unless the date and fact of such notice is indicated on the letter of commitment."
- 7. The third paragraph of § 201.19 (a) (3) is amended to read as follows:

In the case of any commodity shipped from the continental United States (excluding Alaska) and financed under a letter of commitment to a banking institution in the United States, MSA will accept in lieu of the documents referred to in the two preceding paragraphs, a certificate from the banking institution to the effect that it has been informed by the approved applicant or supplier that the sale is on an f. o. b. or f. a. s. basis and it is impracticable to furnish an ocean or charter party bill of lading, airway bill or parcel post receipt, and that either:

(i) The banking institution has received a common carrier bill of lading, warehouse receipt, mate's receipt, master's receipt, dock receipt or domestic parcel post receipt (if in non-negotiable

form, showing that the commodity has been consigned to or is being held for . a person or organization designated by the approved applicant), it has delivered or sent the same, in accordance with the instructions of the approved applicant, to a person or organization designated by the approved applicant; and it has in its possession a written undertaking of such person or organization (a) to arrange for ocean shipment and to deliver to the banking institution a copy (or photostat) of the ocean or charter party bill of lading, airway bill, or parcel post receipt for forwarding to MSA, or (b) if unable to arrange for ocean shipment within 90 days of the date of the undertaking, to so notify the Controller, MSA, Washington, D. C., and at such time as MSA may request, to deliver to the banking institution for forwarding to MSA, a common carrier bill of lading or warehouse receipt in negotiable form for the commodity; or

(ii) The banking institution has received a common carrier bill of lading or warehouse receipt in negotiable form. and is in possession of the same; it has been unable to deliver the same to a person or organization designated by the approved applicant against the written undertaking described in subdivision (i) of this subparagraph; and it is holding the negotiable common carrier bill of lading or negotiable warehouse receipt subject to the instructions of MSA, and will forward same to MSA when and if so instructed, except that if it becomes possible before any such instructions are received, it will proceed in accordance with subdivision (i) of this subpara-

8. The second paragraph of § 201.19 (a) (4) is amended to read as follows:

Unless the procurement authorization requires as an additional document for reimbursement a certificate of growth or origin, or unless shipment is made from a country wholly or partly in Europe which is authorized as an area of source on the procurement authorization, the following signed certificate shall be endorsed on, or attached to, the copy (or photostat) of supplier's invoice:

The undersigned certifies that the commodity invoiced was not originally shipped from a country wholly or partly in Europe, in the form, or substantially in the form, supplied by the undersigned.

- 9. Section 201.19 (a) (5) is amended to read as follows:
- (5) Such additional or substitute documentation as may be required for reimbursement by endorsement upon the procurement authorization or letter of commitment, if any,
- 10. Section 201.19 (b) (6) is amended to read as follows:
- (6) Such additional or substitute documentation as may be required for reimbursement by endorsement upon the procurement authorization or letter of commitment, if any.
- 11. Section 201.19 (c) (5) is amended to read as follows:

(5) Certificate by an authorized representative of the participating country as follows:

The undersigned certifies that (i) the services for which reimbursement is requested have been satisfactorily rendered; (ii) the costs thereof are properly reimbursable, and the fees earned, in accordance with the terms of the contract; and (iii) any reports or recommendations required under the terms of the contract have been received.

- 12. Section 201.19 (c) (6) is amended to read as follows:
- (6) Such additional or substitute documentation as may be required for reimbursement by endorsement upon the procurement authorization or letter of commitment, if any.
- 13. The beginning paragraph and paragraph (1) of the supplier's certificate (Form MSA-280) set forth in \$201.19 (d) are amended to read as follows:

The supplier hereby acknowledges notice that the sum indicated on the accompanying invoice as claimed to be due and owing under the terms of the underlying contract, is to be paid out of funds made available by the United States under the Mutual Security Act, as amended, and further certifies and agrees with the Director as follows:

(1) The supplier is entitled under said contract to the payment of the claimed sum, and he will promptly make appropriate refund to the Director, in the event of his non-performance, in whole or in part, under said contract, or for any breach by him of the terms of this certificate.

- 14. A new paragraph (4) is added at the end of § 201.19 (d) to read as follows:
- (4) Normally, only the original of the Supplier's Certificate (Form MSA-280) should be signed; if for any reason, copies other than the original need to be signed, they should be clearly marked "Duplicate" after the signature.
- 15. Section 201.19 (e) (5) is amended to read as follows:
- (5) Such additional or substitute documentation as may be required for reimbursement by endorsement upon the procurement authorization or letter of commitment, if any.
- 16. Section 201.20 is amended to read as follows:
- § 201.20 Procurement by United States Government agencies. When procurement of a commodity or service is made through. United States Government procurement facilities in accordance with § 201.10, arrangements will be made for the reimbursement of the procuring department, agency or establishment by MSA
- 17. The first paragraph of § 201.22 (d) (4) (i) (b) is amended to read as follows:
- (b) Purchases from sources other than United States: A price for a purchase of a petroleum product from sources other than the United States will be approved for reimbursement if it complies with the requirements of § 201.21 and of paragraph (e) (2) of this section, and, unless

from a supply area excepted by MSA, does not exceed the lowest competitive market price in the United States for a comparable export sale of the same or a similar commodity on the date the purchase price is fixed.

- 18. The second paragraph (including table) beginning "Provided," of § 201.22 (d) (4) (i) (b) and § 201.22 (d) (4) (i) (c) are deleted. Section 201.22 (d) (4) (i) (d) is renumbered § 201.22 (d) (4) (i) (c)
- 19. Section 201.23 (d) is amended to read as follows:
- (d) Section 201.5 (a) (3) (c) (1) and (d) (1) permit delivery under a procurement authorization at any time on or after the initial delivery date and on or before the terminal delivery date specified on the procurement authorization. If any of the documents specified in § 201.19 (a) (3), (b) (4) (c) (3) or (e) (2) (or in the procurement authorization or letter of commitment) are dated at any time within the period during which delivery is permissible under the above subsections, or any other period permitted by MSA, they are acceptable. In practice, it is contemplated that each letter of commitment will specify a maturity date not later than 30 days subsequent to the end of such periods.
- 20. Paragraph (o) is added to § 201.23 to read as follows:
- (o) Bank unable to deliver or send non-negotiable document to forwarding agent under § 201.19 (a) (3) The right of reimbursement for payment made by a bank under a Letter of Commitment will not be affected by the fact that the bank is unable to deliver or send a nonnegotiable shipping document or receipt to the designated person as contemplated by §-201.19 (a) (3) (i) if the bank is prevented from doing so because of any action by the United States Government or other causes beyond its control. In such case, the bank's certificate may be altered accordingly, and may state that the bank does not have a written undertaking from the designated person, but the certificate may not be altered in any other way, and the bank will continue to hold the document involved subject to the instructions of MSA, except that if it becomes possible before any such instructions are received, the bank will deliver or send such document to the designated

Transitory provision. This amendment to MSA Regulation 1 will take effect on January 22, 1953, but will not be applicable to claims for reimbursement for payments made to a supplier pursuant to letters of credit issued, confirmed or advised, or payment instructions received, prior to January 22, 1953.

(Sec. 104, 62 Stat. 138, as amended, eec. 502, Pub. Law 165, 82d Cong.; 22 U. S. C. 1503. Interprets or applied eec. 503, Pub. Law 165, 82d Cong.)

C. TYLER WOOD,
Acting Director for Mutual Security.

[F. R. Doc. 53-716; Filed, Jan. 21, 1953; 8:56 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess-Profits Taxes [T. D. 5973, Regs. 130]

PART 40—EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

MISCELLANEOUS AMENDMENTS

On October 18, 1952, notice of proposed rule making, regarding amendments to Regulations 130 (26 CFR Part 40) made necessary by sections 325, 502 through 504 (a) 505 through 512, 520, 522, and 602 of the Revenue Act of 1951, approved October 20, 1951, was published in the Federal Register (17 F. R. 9259) No objection to the rules proposed having been received, the amendments set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 40.433 (a)-1 the following:

SEC. 592. PAYMENTS FROM FOREIGN SOURCES FOR TECHNICAL ASSISTANCE, ETC. (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) Amendment of section 433 (a) (1). Section 433 (a) (1) (relating to excess profits net income for taxable years ending after June 30, 1950) is hereby amended by adding at the end thereof the following new subparagraph:

(R) Payments from foreign sources for technical assistance, etc. In the case of a domestic corporation which renders to a related foreign corporation technical assistance, engineering services, ecientific assistance, or similar services (such services or assistance being related to the production or improvement of products of the type manufactured by such domestic corporation), there shall be excluded the remuneration for such services or assistance if such remuneration constitutes income derived from sources without the United States. Any deductions in connection with or properly allocable to the rendering of such services or assistance shall not be allowed. For the purpose of this subparagraph, a foreign corporation shall be considered to be a "related foreign corporation" if the domestic corporation at the time it renders such services or assistance owns 10 per centum or more of the outstanding stock of such foreign corporation.

SEC. 593. ELECTION WITH RESPECT TO CERTAIN INADMISSIBLE ASSETS (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

- (b) Amendment of section 433 (a) (1). Section 433 (a) (relating to adjustments in excess profits net income for the taxable year) is hereby amended by adding the following new subparagraph at the end thereof:
- (S) Interest on certain government obligations. For adjustment in the case of a taxpayer making an election provided in section 440 (c), relating to dealers in certain Government obligations, see section 440 (c).
- SEC. 523. EXPECTIVE DATE OF TITLE V (HILE V, DEVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).
- • the amendements made by this title (including sections 502 and 503) shall be applicable only with respect to taxable years ending after June 30, 1950.

- PAR. 2. Section 40.433 (a)-2, as amended by Treasury Decision 5958, approved February 16, 1952, is further amended by adding at the end thereof the following new paragraphs (r) and (s)
- (r) (1) Section 433 (a) (1) (R) provides that there shall be excluded, in computing excess profits net income, any income accrued or received by a domestic corporation which constitutes remuneration to such domestic corporation for the rendering of technical assistance, engineering services, scientific_assistance, or similar services to a related foreign corporation. The services or assistance rendered by the domestic corporation must be related to the production or improvement of products of the type manufactured by the domestic corporation. The remuneration, in addition, must constitute income from sources without the United States. Any deductions which are connected with or properly allocable to the rendering of such services or assistance shall not be allowed in computing excess profits netincome.
- (2) Any remuneration accrued or received by a domestic corporation shall not be excluded, however, in the case of a domestic corporation whose principal business consists of the furnishing of technical assistance or services. The term "related foreign corporation" for the purpose of section 433 (a) (1) (R) and of subparagraph (1) of this paragraph means a foreign corporation 10 percent or more in value of the outstanding stock of which is owned by the domestic corporation at the time the domestic corporation renders such services or assistance. The determination whether any remuneration constitutes income derived from sources without the United States shall be made in accordance with the provisions and principles of section 119 and the regulations thereunder.
- (3) There shall not be excluded under section 433 (a) (1) (R) and subparagraph (1) of this paragraph any income which in substance represents payments for the use of assets, royalties for the use of patents, fees for the use of copyrights or other licenses, or other similar payments. The income to be excluded shall be the income derived from imparting technical or management knowledge or skill for the production or improvement of certain products, but shall not include any income derived from the license or sale of the right toproduce a product or to use a certain method of production. Thus, there may be excluded remuneration received by the domestic corporation for the services of an engineer to instruct the personnel of the related foreign corporation or to establish or improve production techniques, and for the equipment used by such engineer in connection with the rendering of such services, but there shall not be excluded any income received for the use of equipment to produce the products of the related foreign corporation. If the remuneration of the domestic corporation consists of elements of more than one type of income, only that part of the remuneration

which is clearly identified as being attributable to the activities described in section 433 (a) (1) (R) shall be excluded in computing excess profits net income.

(s) For adjustment in the case of a taxpayer making the election provided in section 440 (c) relating to dealers in certain Government obligations, see section 440 (c) and § 40.440–1 (g) (2)

PAR. 3. There is inserted immediately preceding § 40.433 (b)-1 the following:

SEC. 325. TAX TREATMENT OF COAL ROYALTIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

- (e) Conforming amendments. (1) Section 433 (relating to computation of excess profits net income) is hereby amended by inserting at the end thereof the following new subsection:
- (d) Gain or loss upon certain disposals of coal in base period. For the purpose of subsection (b), the excess profits net income shall be computed as if the provisions of section 117 (j) and (k) (2) which relate to disposals of coal were a part of the law applicable to the taxable year for which excess profits net income is computed.
- (3) The amendments made by this subsection shall be applicable in computing the tax under subchapter D of chapter 1 for taxable years ending after December 31, 1950.

Sec. 502. Payments from foreign sources for technical assistance, etc. (title v, revenue act of 1951, approved october 20, 1951).

- (b) Amendment of section 433 (b). Section 433 (b) (relating to taxable years in base period) is hereby amended by adding at the end thereof the following new paragraph:
- (16) Payments from foreign sources for technical assistance, etc. In the case of a domestic corporation which rendered to a related foreign corporation technical assistance, engineering services, scientific assist-ance, or similar services (such services or assistance being related to the production or improvement of products of the type manufactured by such domestic corporation), there shall be excluded the remuneration for such services or assistance if such remuneration constituted income derived from sources without the United States. Any deductions in connection with or properly allocable to the rendering of such services or assistance shall not be allowed. For the purpose of this paragraph, a foreign corporation shall be considered to be a "related foreign corporation" if the domestic corporation at the time it rendered such services or assistance owned 10 per centum or more of the outstanding stock of such foreign corporation.

SEC. 508. ELECTION WITH RESPECT TO CER->
TAIN INADMISSIBLE ASSETS (TITLE V, REVENUE
ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * *

- (c) Amendment of section 433 (b). Section 433 (b) (relating to adjustments in excess profits net income for taxable years in base period) is hereby amended by adding at the end thereof the following new paragraph:
- (17) Interest on certain government obligations. For adjustment in the case of a taxpayer making an election provided in section 440 (c), relating to dealers in certain Government obligations, see section 440 (c).

SEC. 523. EFFECTIVE DATE OF TITLE V (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20,

* * the amendments made by this title (including sections 502 and 508) shall be applicable only with respect to taxable years ending after June 30, 1950.

PAR. 4. Section 40.433 (b)-2 is amended by striking from the second sentence of paragraph (a) of such section "and (8) the adjustment to income in the case of life insurance companies." and by inserting in lieu thereof the following: "(8) the adjustment to income in the case of life insurance companies, (9) the adjustment for payments from foreign sources for technical assistance, etc., and (10) the adjustment for interest on certain Government obligations (see § 40.440-1 (g) (2)) For the purpose of computing the tax for taxable years ending after December 31, 1950, excess profits net income shall be computed as if the provisions of section 117 (j) and (k) (2) which relate to disposals of coal were a part of the law applicable to the taxable year for which the excess profits net income is being computed."

PAR. 5. There is inserted immediately preceding § 40.435-1 the following:

SEC. 503. AVERAGE BASE PERIOD NET INCOME IN CASE OF CERTAIN FISCAL YEAR TAXPAYERS (TITLE V, REVENUE ACT OF 1981, APPROVED OCTOBER 20. 1991).

OCTOBER 20, 1931).

Section 435 (d) (relating to the general average method for the computation of average base period net income) is hereby amended by adding at the end thereof the following: "For the purpose of the computations under this subsection in the case of a taxpayer whose first taxable year under this subchapter is a taxable year which either began before January 1, 1950, or was preceded by a taxable year beginning before January 1, 1950, and ending after March 31, 1950, there shall be substituted for the base period of the taxpayer the period of 48 consecutive months ending March 31, 1950, if such substitution produces a lesser tax under this subchapter for the taxable year for which the tax is being computed. In computing the average base period net income for such substituted period, the excess profits net income for January, February, and March of 1950 shall be computed by use of the 'weighted excess profits net income' as defined in section 435 (e) (2) (E), for the taxable year in which such months fall."

SEC. 504. AVERAGE DASE PERIOD NET IN-COME—ALTERNATIVE BASED ON GROWTH IN CASE OF NEW CORPORATIONS (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) General rule. Section 435 (c) (1) (relating to the alternative based on growth) is hereby amended by striking out the phraso "the beginning of its base period" and inserting in lieu thereof the following: "the end of its base period."

SEC. 505. AVERAGE BASE PERIOD NET, INCOME-ALTERNATIVE BASED ON GROWTH (TITLE V, REV-ENUE ACT OF 1951, APPROVED OCTOBER 20, 1961). Section 435 (e) (2) (G) (relating to the alternative based on growth) is heroby amended by striking out the word "only"

SEC. 506. ADJUSTMENTS FOR CHANGES IN INADMISSIBLE ASSETS IN CASE OF DANKS (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

- (a) Amendment of section 435 (g). Section 435 (g) (relating to net capital addition or reduction) is hereby amended by redesignating paragraph (8) as paragraph (11) and by adding after paragraph (7) the following new paragraph:
- (8) Adjustments for changes in inadmissible assets in case of banks. In the case of a bank (as defined in section 104)—
- (A) If the increase in total assets for the taxable year exceeds the not capital addition computed without regard to the adjustment under paragraph (1) for an increase in inadmissible assets, then the not capital addi-

tion for the taxable year shall not be less than the excess of-

(i) The amount determined under the

first sentence of paragraph (1) over
(ii) An amount which bears the same ratio to the increase in inadmissible assets for the taxable year, determined under paragraph (5), as the amount computed under such first sentence bears to the increase in total assets for the taxable year.

(B) If the decrease in total assets for the taxable year exceeds the net capital reduction computed without regard to the adjustment under paragraph (2) for a decrease in inadmissible assets, then the net capital reduction for the taxable year shall not be less than the excess of-

(i) The amount determined under the first sentence of paragraph (2) over

(ii) An amount which bears the same ratio to the decrease in inadmissible assets for the taxable year, determined under paragraph (5), as the amount computed under such first sentence bears to the decrease in total assets for the taxable year.

For the purpose of this paragraph, the increase or decrease in total assets for the taxable year shall be computed in the same manner as the increase or decrease in inadmissible assets for the taxable year is computed under paragraph (5), except that such computations shall be made with respect to all assets, whether admissible or inadmissible assets as defined in section 440.

(c) Amendment of section 435 (f), Section 435 (f) (relating to capital additions in base period) is hereby amended as follows:

(1) By inserting immediately after the word "reduced" in paragraph (1) thereof the following: "(but not below zero)"

(2) By adding at the end of paragraph (1) thereof the following: "For special rule in the case of banks, see paragraph (6)."

(3) By renumbering paragraph (6) as paragraph (7), and by adding immediately after paragraph (5) the following new para-

(6) Yearly base period capital of banks. In the case of a bank (as defined in section 104), the yearly base period capital for any taxable year shall be determined as follows:

(A) A tentative yearly base period capital

- shall be computed under paragraph (1) without regard to paragraph (1) (A).

 (B) The tentative yearly base period capital so determined shall be reduced by the amount determined under section 440 (b) (relating to inadmissible assets). For the purpose of this subparagraph, the computation under section 440 (b) shall include only the daily amounts (described in such section) for the first day of such taxable year.
- (d) Effective date of subsection (c) (3). The amendment made by subsection (c) (3) (adding a new paragraph (6) to section 435 (f)) shall be applicable with respect to taxable years beginning on or after the date of the enactment of this act, and, at the election of the taxpayer made in accordance with regulations prescribed by the Secretary, shall be applicable to all taxable years ending after June 30, 1950.

SEC. 507. DECREASE IN INADMISSIBLE ASSETS (TITLE V, REVENUE ACT OF 1951, APPROVED OCTO-BER 20, 1951).

Section 435 (g) (relating to net capital addition or reduction) is hereby amended as

(a) By adding at the end of paragraph (1) thereof the following: "For further adjustment with respect to the amount determined under the preceding provisions of this paragraph, see paragraph (9)."

(b) By adding immediately after paragraph (8), as added by section 506 of this

act, the following new paragraphs:

(9) Decrease in inadmissible assets. (A) Except as otherwise provided in subpara-

graph (B) (relating to banks), the excess of the amount computed under paragraph (2) (A) or (B), whichever is applicable to the taxpayer (whether or not any amount is determined under the first centence of paragraph (2)), over the amount, if any, computed under the first sentence of paragraph (2) shall be considered the net capital addition for the taxable year or shall be added to the net capital addition otherwise determined under paragraph (1), as the case may be. The amount of the excess so determined shall be subject to the exceptions and limitations provided in paragraph (10).
(B) In the case of a bank (as defined in

section 104), the computation under subparagraph (A) shall be made by substituting for the amount computed under paragraph (2) (A) or (B) whichever of the following amounts is the lesser:

(i) An amount which bears the came ratio to the decrease in inadmissible accets as the sum of the equity capital (as defined in section 437 (c)) and the daily borrowed capital (as defined in section 439 (b)), each deter-mined as of the first day of the first taxable mined as of the first day of the first taxable year ending after June 30, 1950, bears to the total assets as of the beginning of such day; (ii) If paragraph (8) (B) is applicable, the amount computed under paragraph (8)

(B) (ii).
(10) Exceptions and limitations for the purpose of paragraph (9). For the purpose

of paragraph (9)-

(A) The adjustment to the decrease in inadmissible assets required under subparagraph (B) of paragraph (2) shall not be greater than 25 per centum of the excess of the net capital reduction computed under the first sentence of paragraph (2) (and computed without regard to the percentage limitations in paragraph (4) (C) and (E)) over the net capital reduction computed under such sentence without regard to paragraph (4) (C) and (E).

(B) The amount determined under para-

graph (9) shall not be greater than the excess of the increase in operating accets for the taxable year over the net capital addition (determined without regard to paragraph (9) and determined without regard to the limitation to 75 per centum provided in paragraph (3) (C) and paragraph (4) (C) and (E)). For the purpose of the preceding sentence, the increase in operating assets for the taxable year shall be determined in the same manner as the increase in inadmissible assets for the taxable year is determined under paragraph (5). For the purpose of such determination, the term "operating assets" means—

(i) Property used in the taxpayer's trade business within the meaning of cection 117 (j) (1) except that such property need not be held more than six months, and

(ii) Stock in trade or other property of a kind which would properly be includible in the inventory of the taxpayer if owned at the close of the taxable year, and property held by the taxpayer primarily for sale to customers in the ordinary course of the taxpayer's trade or business,

except any such assets which constitute inadmissible assets, stock, accurities, or intangible property (such intangible property not being limited to the property described in section 441 (1)).

(C) The amount determined under paragraph (9) shall be subject to reduction to the extent that the Secretary determines that the increase in operating accets is a result, directly or indirectly, of an increase in indebtedness of the taxpayer (other than indebtedness which constitutes borrowed

SEC. 509. ALTERNATIVE AVERAGE DACE PERIOD NET INCOME (TITLE V. REVENUE ACT OF 1951, AP-PROVED OCTOBER 20, 1951).

(b) Technical amendments. (1) Section 435 (f) (3) (relating to capital addition in the base period) is hereby amended by incerting immediately after the words "under section 442 (c) (1)" wherever appearing therein, the following: "or under section 442

SEC. 523. EFFECTIVE DATE OF TITLE V (TITLE V. REVENUE ACT OF 1951, APPROVED OCTOBER 20,

Except as otherwise provided in section 508 (d), the amendments made by this title [cections 591 through 523] shall be applicable only with respect to taxable years ending after June 39, 1950.

SEC. 602. EXCESS PROFITS CEEDIT BASED ON IN-COME (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) Percentage of average base period net income talien into account—(1) In general. Paragraph (1) (A), and paragraph (2), of section 435 (a) (relating to excess profits credit based on income) are each amended by striking out "85 per centum" and inserting in lieu thereof "83 per centum" (2) Tarable years beginning before July 1,

1951, and ending after June 30, 1951. Section 435 (a) is hereby amended by adding at the end thereof the following new para-

graphs:

(4) Calendar year 1951. In the case of a taxable year beginning on January 1, 1951, and ending on December 31, 1951, there shall the used, for the purposes of paragraph (1)
(A) and paragraph (2), in lieu of 85 per centum of the average base period net income, an amount equal to 84 per centum of the average base period net income.

(5) Taxable years (other than calendar year 1951) beginning before July 1, 1951, and ending after June 30, 1951. In the case of any taxable year (other than a taxable year described in paragraph (4)) beginning before July 1, 1951, and ending after June 30, 1951, there shall be used, for the purposes of paragraph (1) (A) and paragraph (2), in lieu of 85 per centum of the average base period net income, an amount equal to the sum of-

(A) That portion of an amount equal to 85 per centum of the average base period net income which the number of days in such taxable year prior to July 1, 1951, bears to the total number of days in such taxable year, plus

(B) That portion of an amount equal to 83 per centum of the average base period net income which the number of days in such taxable year after June 30, 1951, bears to the total number of days in such taxable

(b) Effective date. The amendments made subsection (a) shall be applicable only with respect to taxable years ending after June 30, 1951.

PAR. 6. Section 40.435-1 is amended as follows:

(A) By changing paragraph (a) of such section to read as follows:

(a) Introductory. (1) In order for a corporation to determine for any particular taxable year the amount of its excess profits credit based on income, it is necessary first to compute the amount of the average base period net income. The first item in determining the excess profits credit based on income is an amount equal to a percentage of such average base period net income. See subparagraph (2) of this paragraph and section 435 (a) for the percentage applicable to the taxable year for which the credit is being computed. Two methods are provided in section 435 for determining the average base period net

income: (i) The general average method set forth in section 435 (d) and in paragraph (d) of this section, and (ii) the alternative method set forth in section 435 (e) applicable to certain taxpayers whose growth entitles them to the benefits of a method provided in such section, if such method results in a lesser excess profits tax.

(2) With respect to the particular taxable years indicated, the following percentages of average base period net income shall be taken into account as the first item in determining the amount of the excess profits credit based on in-

come:

(i) 85 percent in the case of a taxable year ending after June 30, 1950, and not ending after June 30, 1951.

(ii) 84 percent in the case of a taxable year which is the calendar year 1951.

(iii) 83 percent in the case of a taxable year beginning after June 30, 1951.

(iv) In the case of any taxable year (other than a taxable year which is the calendar year 1951) beginning before July 1, 1951, and ending after June 30, 1951, there shall be used an amount equal to the sum of:

(a) That portion of an amount equal to 85 percent of the average base period net income which the number of days in such taxable year prior to July 1, 1951, bears to the total number of days

ın such taxable year, plus

- (b) That portion of an amount equal to 83 percent of the average base period net income which the number of days in such taxable year after June 30, 1951, bars to the total number of days in such taxable year.
- (B) By changing paragraph (d) of such section to read as follows:
- (d) Computation under general average method. (1) The following steps are required for the computation of the average base period net income under the general average method:
- (i) The excess profits net income is determined for each month during which the taxpayer was in existence during the base period. This amount is determined for any month during any part of which the taxpayer was in existence by dividing the excess profits net income (computed in accordance with the provisions of section 433 (b)) for the taxable year in which such month falls by the number of full calendar months in such taxable year. In no case shall the excess profits net income for any month be less than zero. The excess profits net income for any month during no part of which the taxpayer was in existence shall be zero.

(ii) The 36 months which produce the highest aggregate excess profits net income are selected under either of two methods: (a) The 12 consecutive months having the lowest aggregate excess profits net income may be eliminated; or (b) the 36 consecutive months having the highest aggregate excess profits net income may be retained.

come may be retained.

(iii) The excess profits net income for each of the 36 months selected under subdivision (ii) of this subparagraph is aggregated.

(iv) The aggregate amount computed under subdivision (iii) of this subparagraph is divided by 3.

(2) A taxpayer which had a taxable year beginning in 1949 and ending after March 31, 1950, may compute an average base period net income under the general average method described in subparagraph (1) of this paragraph either for its base period as defined in section 435 (b) and in paragraph (b) of this section or for a substituted period consisting of 48 consecutive months ending March 31, 1950, whichever period produces the lesser excess profits tax for the taxable year. In computing the average base period net income for such substituted period, the excess profits net income for January, February, and March of 1950 shall be a "weighted excess profits net income" as defined in section 435 (e) (2) (E) and in § 40.435-5 (b) for the taxable year in which such months fall.

(3) A taxpayer having a taxable year beginning in 1949 and ending after March 31, 1950, shall indicate on Schedule EP-2 (Form 1120) which period is used in the computation of its average base period net income. A taxpayer may use the substituted 48-month period for the purpose of determining its unused excess profits credit adjustment as defined in section 432 (b) but shall use the base period as defined in section 435 (b) and in paragraph (b) of this section for the purpose of any other computation under Subchapter D of this chapter. For example, the base period and not the substituted 48-month period shall be used for the purpose of any reference in section 442 to 435 (d)

Par. 7. Section-40.435-4 is amended as follows:

- (A) By striking out the phrase "the beginning of its base period" wherever appearing therein (such phrase appearing in the first sentence of paragraphs (a) (b) and (c) of such section) and inserting in lieu thereof the following: "the end of its base period"
- (B) By inserting at the end of such section the following paragraph (d)
- (d) Corporations commencing business during base period. In the case of a corporation which commenced business during its base period, total payroll, gross receipts, net sales, and excess profits net income, for any portion of its base period during which it was not in existence, will be taken into account under section 435 (e) at zero. A corporation not in existence on the first day of its base period would, unless it is a member of an affiliated group for its first taxable year ending after June 30, 1950, automatically satisfy the total assets reguirement of section 435 (e) (1) (A) (i) and of paragraph (b) of this section since its total assets as of the first day of its base period would be zero.

Par. 8. Section 40.435-5 is amended by striking from paragraph (a) (7) thereof the phrase "and does not qualify under the general requirements for the alternative based on growth (see § 40.435-4 (b))"

Par. 9. Section 40.435-6 is amended as follows:

- (A) By adding at the end of paragraph (a) of such section the following subparagraph (5)
- (5) For special rules applicable in the case of a bank, see paragraph (e) of this section and section 435 (f) (6)
- (B) By inserting in the third sentence of paragraph (b) (1) of such section immediately after the words "Such sum shall be reduced" the following: "(but not below zero)"
- (C) By inserting at the end of paragraph (d) of such section the following paragraph (d) (3) and paragraph (e)
- (3) If the taxpayer computes an average base period net income by reference to section 442 (h), the rules stated in subdivisions (i) through (iii) of subparagraph (2) of this paragraph without regard to the 110 percent qualification therein, shall be applicable in determining the base period capital addition.
- (e) Yearly base period capital of banks. (1) For the purpose of computing the tax for taxable years beginning on or after October 20, 1951, the adjustment to the yearly base period capital for inadmissible assets in the case of a bank, as defined in section 104, must be made under section 435 (f) (6) which provides a proportionate adjustment with respect to such assets. The yearly base period capital shall be determined under such section as follows:

(i) A tentative yearly base period capital shall be computed under section 435 (f) (1) without any reduction under section 435 (f) (1) (A) for inadmissible assets.

(ii) The amount determined under subdivision (i) of this subparagraph shall be reduced by an amount which bears the same ratio to the amount determined under subdivision (i) of this subparagraph as the ratio which the total of the inadmissible assets bears to the total of admissible and inadmissible assets, each such total being determined only by reference to the daily amounts of admissible and inadmissible assets for the first day of the taxable year for which yearly base period capital is determined. See section 440 (b) and § 40.440-1.

(2) A taxpayer using the adjustment for inadmissible assets provided in section 435 (f) (6) shall so indicate on Schedule EP-2 (A) (Form 1120) and shall file with, and as a part of, its return a schedule showing the computation of its base period capital addition pursuant to such section. In the case of a taxpayer making the election described in subparagraph (3) of this paragraph such schedule shall be filed for all taxable years beginning before October 20, 1951, and shall be filed with the election.

(3) If the taxpayer elects by a statement attached to its return for a taxable year beginning before October 20, 1951, the adjustment for inadmissible assets under section 435 (f) (6) shall be applicable in the computation of its excess profits tax for all taxable years beginning before October 20, 1951. In the case of a taxpayer electing to use such adjustment for a taxable year beginning before October 20, 1951, for which a re-

turn has been filed, such election shall be made in writing and shall be filed with and as a part of an amended return, or, if made in connection with a claim for credit or refund, with and as a part of such claim. An election once made shall be irrevocable and shall apply to the computation of the tax for all taxable years beginning before October 20, 1951. In such case, section 435 (f) (6) is applicable in computing the yearly base period capital of each taxable year involved in determining the base period capital addition.

Par. 10. Section 40.435-7 is amended as follows:

- (A) By redesignating subparagraph (5) in paragraph (a) of such section as subparagraph (6) and by adding after subparagraph (4) thereof the following subparagraph (5)
- (5) For special rules for changes in madmissible assets in the case of banks, see section 435 (g) (8) and paragraph (f) of this section.
- (B) By inserting at the end of paragraph (b) of such section the following subparagraph (4)
- (4) For further adjustment with respect to the amount of the net capital addition, as determined above, by reason of a decrease in inadmissible assets, see section 435 (g) (9) and paragraph (g) of this section.
- (C) By adding at the end of such section the following paragraphs (f) and (g)
- (f) Adjustment for changes in inadmissible assets in the case of banks. (1) In the case of a bank, as defined in section 104, a limitation on the adjustment to the net capital addition for an increase in inadmissible assets is reguired under section 435 (g) (8) (A). This limitation shall be applicable where the increase in total assets for the taxable year (as determined under subparagraph (3) of this paragraph) exceeds the net capital addition computed without regard to any adjustments for an increase in inadmissible assets. In such a case, the amount of the adjustment for madmissible assets shall not be greater than an amount which bears the same ratio to the increase in inadmissible assets for the taxable year as the amount of the net capital addition, computed without adjustment for such increase, bears to the increase in total assets for the taxable year.
- (2) In the case of a bank, a limitation on the net capital reduction for a decrease in inadmissible assets is required under section 435 (g) (8) (B) This limitation shall be applicable where the decrease in total assets for the taxable year (as determined under subparagraph (3) of this paragraph) exceeds the net capital reduction for such year computed without regard to any adjustments for a decrease in inadmissible assets. In such a case, the amount of the adjustment for madmissible assets shall not be greater than an amount which bears the same ratio to the decrease in inadmissible assets for the taxable year as the amount of the net capital reduction, computed without adjustment for such decrease,

bears to the decrease in total assets for of the daily amounts attributable to the the taxable year.

- (3) For the purpose of subparagraphs (1) and (2) of this paragraph, total assets shall include all assets, whether admissible or inadmissible assets as defined m section 440, and total assets as of any time shall be determined in accordance with the rules for determining assets set forth in § 40.437-5 (b). An increase or decrease in inadmissible assets for the taxable year shall be determined under section 435 (g) (5). See paragraphs (d) and (e) of this section. An increase or decrease in total assets shall also be determined under section 435 (g) (5) as if that section had reference to all assets held by the taxpayer, whether admissible or madmissible assets as defined in section 440.
- (4) A taxpayer required to apply the limitation on the adjustment for changes in madmissible assets provided in section 435 (g) (8) shall so indicate on Schedule EP-2 (B) (Form 1120) and shall attach thereto a separate schedule showing the computations under such section.
- (g) Decrease in inadmissible assets (1) In general. A net capital addition for the taxable year may be allowed, or the amount otherwise determined under section 435 (g) (1) and under paragraph (d) of this section may be increased, in certain cases described in section 435 (g) (9) where a decrease in inadmissible assets (in excess of the net capital reduction, if any) is accompanied by a corresponding increase in operating assets. For this purpose, an increase in operating assets is taken into account only to the extent that it exceeds the net capital addition as adjusted under section 435 (g) (10) (B) The term "operating assets" means (i) property used in the taxpayer's trade or business within the meaning of section 117 (j) (1) determined without regard to any holding period specified in such section, and (ii) stock in trade or other property of a kind which would properly be includible in the inventory of the taxpayer if owned at the close of the taxable year, and property held by the taxpayer primarily for sale to customers in the ordinary course of the taxpayer's trade or business. Such term does not include cash, inadmissible assets, stock, securities, or intangible property, whether or not such intangible property is described in section 441 (i). Section 435 (g) (9) sets forth two rules for the computation of the addition to the income credit under such section, one of which is applicable in the case of a taxpayer other than a bank, as defined in section 104, and the other of which is applicable in the case of such a bank.

(2) Taxpayers other than banks. In the case of a taxpayer other than a bank (as defined in section 104), the following steps are required under section 435 (g) (9) and (10) in order to determine the amount of the net capital addition for the taxable year, or the amount to be added to the net capital addition determined under section 435 (g) (1), as the case may be:

(i) There is determined the excess of the total of the inadmissible assets, as defined in section 440 (b), for the first day of the taxpayer's first taxable year ending after June 30, 1950, over the total inadmissible assets for the taxable year. divided by the number of days in such

(ii) There is determined the excess, if any, divided by the number of days in the taxable year, of the aggregate of the daily capital reduction for each day of the taxable year over the aggregate of the daily capital addition for each day of the taxable year. See paragraphs (b) and (c) of this section.

(iii) The excess of the amount computed under subdivision (i) of this subparagraph over the amount, if any, computed under subdivision (ii) of this subparagraph is determined. Where the amount computed under subdivision (i) of this subparagraph exceeds the amount, if any, computed under sub-division (ii) of this subparagraph without regard to section 435 (g) (4) (C) and (E) relating to a decrease in borrowed capital and to an increase in loans to members of a controlled group of corporations of which the taxpayer is a member, the amount computed under subdivision (i) of this subparagraph may be reduced. In such a case the amount computed under subdivision (i) of this subparagraph shall be reduced by 25 percent of the excess, if any, of-

(a) An amount computed under subdivision (ii) of this subparagraph by using 100 percent, in lieu of 75 percent, of the amounts determined under section 435 (g) (4) (C) and (E) over

(b) An amount computed under subdivision (ii) of this subparagraph without regard to section 435 (g) (4) (C) or Œ).

(iv) There is determined the excess of the total of the daily amounts attributable to operating assets for the taxable year, divided by the number of days in such year, over the total amount of such assets for the first day of the taxpayer's first taxable year ending after June 30, 1950. For this purpose the adjusted basis of such assets for determining gain upon sale or exchange shall be used.

(v) The net capital addition, if any, under section 435 (g) (1) is recomputed without regard to the percentage limitations under section 435 (g) (3) (C) relating to an increase in borrowed capital, and under section 435 (g) (4) (C) and (E) relating to a decrease in borrowed capital and to an increase in loans to members of a controlled group of corporations of which the taxpaver is a member.

(vi) The amount to be added to the net capital addition, or the amount which shall be considered the net capital addition, as the case may be, is whichever of the following amounts is the lesser-

(a) The amount determined under subdivision (iii) of this subparagraph,

- (b) The excess of the amount determined under subdivision (iv) of this subparagraph over the amount determined under subdivision (v) of this subparagraph.
- (3) Special rule in the case of a bank. In the case of a bank (as defined in section 104), the adjustment for a decrease in inadmissible assets shall be determined as provided in subparagraph (2)

of this paragraph except that in lieu of the amount computed under subparagraph (2) (i) of this paragraph there shall be substituted whichever of the following amounts is the lesser (and such amounts shall not be adjusted under the second and third sentences of subparagraph (2) (iii) of this paragraph)

- (i) An amount which bears the same ratio to the amount determined under subparagraph (2) (1) of this paragraph as the sum of the equity capital, as defined in section 437 (c) and the daily borrowed capital, as defined in section 439 (b) each determined as of the first day of the first taxable year ending after June 30, 1950, bears to the total assets (determined as provided in section 435 (g) (8)) as of the beginning of such day, or
- (ii) If the decrease in total assets for the taxable year exceeds the net capital reduction, computed without regard to adjustments for a decrease in madmissible assets, the amount computed under section 435 (g) (8) (B) (ii) See paragraph (f) (2) of this section.
- (4) Special rules applicable to the section 435 (g) (9) adjustment. The adjustment to the net capital addition for a decrease in inadmissible assets provided in section 435 (g) (9) shall be subject to reduction in any case in which the Commissioner determines that the increase in operating assets is the direct or indirect result of an increase in indebtedness of the taxpayer, other than indebtedness which constitutes borrowed capital as defined in section 439 (b). This limitation may be applied, for example, in a case where the addition to operating assets is accompanied by increased open account indebtedness to a member of a controlled group, as defined in section 435 (g) (6) A taxpayer computing a net capital addition by reference to section 435 (g) (9) shall attach to Schedule EP-2 (B) (Form 1120) a schedule showing the computation under such section and shall include a statement of its operating assets.

PAR. 11. There is inserted immediately preceding § 40.438-1 the following:

SEC. 506. ADJUSTMENTS FOR CHANGES IN IN-ADMISSIBLE ASSETS IN CASE OF BANKS (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

- (b) Amendment of section 438. Section 438 (relating to new capital credit changes) is hereby amended by adding after subsection (f) the following new subsection:
- (g) Adjustments for inadmissible assets in case of banks. In the case of a bank (as defined in section 104), if the increase in total assets for the taxable year (determined in the manner provided in the last sentence of section 435 (g) (8)) exceeds the net new capital addition computed without regard to the adjustment under subsection (b) for an increase in inadmissible assets, then the net new capital addition for the taxable year shall not be less than the excess of the amount determined under the first sentence of subsection (b) over an amount which bears the same ratio to the increase in inadmissible assets for the taxable year, determined under section 435 (g) (5), as the amount computed under such first sentence

bears to such increase in total assets for the taxable year.

SEC. 523. EFFECTIVE DATE OF TITLE V (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20,

* * the amendments made by this title (including section 506 (b)) shall be applicable only with respect to taxable years ending after June 30, 1950.

Par. 12. Section 40.438-4 is amended as follows:

- (A) By adding at the end of paragraph (a) of such section the following sentence: "For special rules for changes in inadmissible assets in the case of banks, see section 438 (g) and paragraph (c) of this section."
- (B) By adding at the end of such section the following paragraph (c).
- (c) Adjustments for inadmissible assets in the case of banks. (1) In the case of a bank, as defined in section 104, a limitation on the adjustment to the net new capital addition for an increase in madmissible assets is required under section 438 (g) This limitation shall be applicable where the increase in total assets (as determined under subparagraph (2) of this paragraph) for the taxable year exceeds the net new capital addition for such year computed without regard to adjustments for an increase in madmissible assets. In such a case, the amount of the adjustment for inadmissible assets shall not be greater than an amount which bears the same ratio to the increase in madmissible assets for the taxable year as the amount of the net new capital addition, computed without regard to any adjustment for inadmissible assets, bears to the increase in total assets for the taxable year.
- (2) For the purpose of subparagraph (1) of this paragraph, total assets shall include all assets, whether admissible or madmissible assets as defined in section 440. and total assets as of any time shall be determined in accordance with the rules for determining assets set forth in § 40.437-5 (b) An increase or decrease in madmissible assets for the taxable year shall be determined under section 435 (g) (5) See paragraphs (d) and (e) of § 40.435-7. An increase or decrease in total assets shall also be determined under section 435 (g) (5) as if that section had reference to all assets held by the taxpayer, whether admissible or madmissible assets as defined in section 440.
- (3) A taxpayer required to apply the limitation on the adjustment for changes in madmissible assets provided in section 438 (g) shall so indicate on Schedule EP-4 (Form 1120) and shall attach thereto a separate schedule showing the computations under such section.

PAR. 13. There is inserted immediately preceding § 40.440-1 the following:

SEC. 325. TAX TREATMENT OF COAL BOYALTIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

- (e) Conforming amendments.
- (2) Section 440 (a) (1) (relating to definition of "inadmissible assets") is hereby amended by striking out "and" at the end

of subparagraph (A); by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "and" and by adding at the end thereof the following new subparagraph:

- (C) The economic interest referred to in the provisions of section 117 (I:) (2) relating to coal if the taxpayer is subject to such provisions with respect to the income from such coal.
- (3) The amendments made by this subsection shall be applicable in computing the tax under subchapter D of chapter 1 for taxable years ending after December 31, 1960.

"SEC. 508. ELECTION WITH RESPECT TO CERTAIN INADMISSIBLE ASSETS (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

- (a) Amendment of section 440. Section 440 (relating to admissible and inadmissible assets) is hereby amended by adding at the end thereof the following new subsection:
- (c) Treatment of Government obligations as admissible assets. If the taxpayer elects for any taxable year, in accordance with regulations prescribed by the Secretary, to increase its excess profits net income by an amount equal to the amount by which the interest received or accrued during the taxable year on Government obligations exceeds the sum of—

(1) The amount of interest paid or accrued during such year which is not allowed as a deduction under section 23 (b), and

(2) The amount of the adjustments required for the taxable year under section 22 (e) (relating to adjustment for certain bond premiums), but not in excess of the amount of interest received or accrued during the taxable year on Government obligations to which such section is applicable,

then for the taxable year for which the election is made the term "admissible as-sets" shall include Government obligations, and the term "inadmissible assets" shall not include Government obligations. For the purpose of applying section 435 to the taxable year for which the election is made, Government obligations shall not be considered "inadmissible assets" in determining original inadmissible assets or yearly base period captial. As used in this subsection the term "Government obligations" means obligations described in section 22 (b) (4) any part of the interest from which is excludible from gross income or allowable as a credit against net income; but such term shall include only such obligations as in the hands of the tax payer are property described in section 117 (a) (1) (A). For the purpose of determining the excess profits credit for a taxable year for which the election is made, the excess profits net income under section 433 (b) for any taxable year shall include the amount by which the interest received or accrued during such taxable year on Government obligations exceeds the amount of interest paid or accrued during such year which is not allowed as a deduction under section 23 (b) and, if the taxable year ends after June 30. 1950, the amount with respect to such year described in paragraph (2).

SEC. 523. EFFECTIVE DATE OF TITLE V (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20,

* * the amendments made by this title (including section 508) shall be applicable only with respect to taxable years ending after June 30, 1950.

'Par. 14. Section 40.440-1 is amended as follows:

(A) By inserting at the end of paragraph (a) of such section the following sentence: "For the election in certain cases to treat Government obligations as

admissible assets, see section 440 (c) and paragraph (g) of this section."

(B) By striking the first sentence from paragraph (b) of such section and by inserting in lieu thereof the following sentence: "The term 'inadmissible assets' means (1) stock in all corporations, domestic or foreign, except stock in a foreign personal holding company, and except stock which is not a capital asset (such as stock held primarily for sale to customers by a dealer in securities) (2) all obligations described in section 22 (b) (4) any part of the interest from which is excludible from gross income or allowable as a credit against net income, and (3) for the purpose of computing the tax for taxable years ending after December 31, 1950, the economic interest referred to in section 117 (k) (2) relating to coal, if the taxpayer is subject to the provisions of such section with respect to the income from such coal."

(C) By striking from paragraph (c) of such section "section 436 (a) (1) and section 448 (b) (3)" and by inserting in lieu thereof the following: "section 435 (f) (6) section 436 (a) (1), and section 448 (b) (3)"

(D) By striking the last sentence of paragraph (f) of such section and inserting in lieu thereof the following sentence: "The amount so determined is the amount of the reduction referred to m section 436 (a) (1) or section 448 (b) (3) as the case may be. Section 440 (b) similarly applies in determining the amount of the reduction referred to in section 435 (f) (6) except that for such purpose only the daily amounts of admissible and inadmissible assets for the first day of the taxable year are used."

(E) By adding at the end of such section the following paragraph (g)

(g) (1) Section 440 (c) provides that, if the taxpayer makes the election described in that section, its Government obligations described in section 22 (b) (4) to which the election is applicable. any part of the interest from which is excludible from gross income or allowable as a credit against net income, shall be treated as admissible assets. The election under section 440 (c) is applicable to such Government obligations as are not capital assets in the taxpaver's hands and as are stock in trade or other property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of its trade or business. In the case of such election, the term "admissible assets" shall include such Government obligations and the term "inadmissible assets" shall not include such obligations. For this purpose, the term "obligations described in section 22 (b) (4)" includes obligations, the discount on which, if issued at a discount, would be treated as interest described in section 22 (b) (4). An election under section 440 (c) shall be made in the manner described in subparagraph (4) of this paragraph.

(2) In the case of a taxpayer making the election under section 440 (c) for any taxable year, the excess profits net in-

come shall be increased by an amount equal to the amount by which the interest received or accrued during the taxable year on the Government obligations to which the election is applicable (see subparagraph (1) of this paragraph) exceeds the sum of:

(i) The amount of interest paid or accrued during such year which is not allowed as a deduction under section 23 (b) and which is properly allocable to the Government obligations to which the

election is applicable, and

(ii) The amount of the adjustments required for the taxable year under section 22 (o) (relating to adjustment for certain bond premiums) with respect to the Government obligations to which the election is applicable, but not in excess of the amount of interest received or accrued during the taxable year on such Government obligations.

(3) For the purpose of applying section 435 to the taxable year for which the election is made, the Government obligations to which such election is applicable shall not be considered inadmissible assets in determining yearly base period capital under section 435 (f) (1) or in determining original inadmissible assets under section 435 (g) (5). See §§ 40.435-6 and 40.435-7. For the purpose of determining the excess profits credit for a taxable year for which the election under section 440 (c) is made, the excess profits net income computed under section 433 (b) for any taxable year shall be increased by the excess of the amount of interest received or accrued on such obligations during such taxable year reduced (but not below zero) by the amount of interest paid or accrued during such taxable year which is not allowed as a deduction under section 23 (b) and which is properly allocable to such obligations. In the case of a taxable year ending after June 30, 1950, such interest shall further be reduced by the amount of the adjustment required under section 22 (o) (relating to the adjustment for certain bond premiums with respect to such obligations) but not by an amount greater than the amount of interest received or accrued during the taxable year on such obligations. For the purpose of determining the amount of interest received or accrued with respect to any taxable year, the term "interest" includes, in the case of obligations issued at a discount, so much of such discount as (for the purpose of aetermining gain upon sale or disposition) is treated as interest in the hands of the taxpayer for the taxable year.

(4) The election pursuant to section 440 (c) shall be made in a statement attached to Schedule EP (Form 1120) accompanying the income tax return for such year or by the use of figures on such schedule which clearly reflect the election. Such election must be made for each taxable year for which the benefits of section 440 (c) are claimed. If the taxpayer has falled so to elect or desires to change its election, such election or change in election may, subject to the approval of the Commissioner, be made by the taxpayer filing with the Commissioner of Internal Revenue, Washington 25, D. C., within the

period of limitations for the filing of claims for credit or refund with respect to the year or years involved, a notice of its election or change in election accompanied by a recomputation of its excess profits tax for such year. If the recomputation results in an overpayment for such year, the taxpayer should file a claim for credit or refund on Form 843 in accordance with the provisions of section 322.

> Pan. 15. There is inserted immediately preceding § 40.442-1 the following:

SCC. 509. ALTERNATIVE AVERAGE BASE PERIOD NET INCOME (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) Amendment of section 442. Section 442 (relating to abnormalities during the base period) is hereby amended as follows:

(1) By incerting at the end of subsection

(a) thereof the following: "If such taxpayer is also entitled to the benefits of subsection (h), the taxpayer's average base period net income determined under this section shall be the amount computed under subsection (c) or (d), whichever is applicable to the tax-payer, or the amount computed under subsection (h), whichever results in the lesser tax under this subchapter for the taxable year. In the case of any other base, and entitled to the benefits of subsection (h), the taxpayer's average base period net income determined under this section shall be the amount computed under subsection (h)."

(2) By striking out "determined under this section" in subsections (c) and (d) thereof each place it occurs and incerting in lieu thereof the following: "computed under

this subsection"

(3) By inserting after "subsection (c)
(2)" in subsection (e) (1) thereof the following: "and subsection (h)"
(4) By redesignating subsections (h) and

(1) thereof as (1) and (1), respectively, and by incerting after subsection (g) thereof the following new subsection:

(h) Alternative average base period net income—(1) Eligibility requirements. A taxpayer which commenced business on or before the first day of its base period shall be entitled to the benefits of this subsection

(A) The aggregate excess profits net income (if any) for the 12 months selected under paragraph (2) (B) is less than 35 per centum of one-half of the aggregate excess profits not income for the 24 months remain-

ing under such paragraph; and

(B) Normal production, output, or operation was interrupted or diminished because of the occurrence, within 12 months preceding (i) the first day of the 12-month period celected under paragraph (2) (B) (i), or (ii) the first day of any period of 6 or more consecutive months selected under paragraph (2) (B) (ii), of events unusual or peculiar in the experience of such taxpayer.

This subsection shall have no application unless the taxpayer has an aggregate excess profits net income for the 24 months re-

maining under paragraph (2) (B).
(2) Computation. If the taxpayer is entitled to the benefits of this subsection, its average bace period net income computed under this subsection shall be computed as

(A) By determining under subsection (b) the period subject to adjustment under this section. For the purposes of subparagraph (B) but not for the purposes of paragraph (1) (B) such period shall be considered a period of 36 consecutive months.

(B) By celecting from such period whichever of the following 12 months results in the higher remaining aggregate excess profits net income-

- (i) The 12 consecutive months the elimination of which produces the highest remaining aggregate excess profits net income,
- (ii) The 12 months which remain after retaining the 24 consecutive months which produce the highest remaining aggregate excess profits net income.
- (C) By computing for each of the 12 months selected under subparagraph (B) a substitute excess profits net income computed under subsection (e).

(D) By computing the sum of—
(i) The aggregate of the substitute excess profits net income, as determined under subparagraph (C), for the 12 months selected under subparagraph (B), but the amount computed under this clause shall not exceed one-half of the aggregate excess profits net income for the 24 months remaining under

subparagraph (B), and
(ii) The aggregate of the excess profits net income for each of the 24 months remaining under subparagraph (B), computed in the manner provided by the second sentence of section 435 (d) (1).

(E) By dividing by three the amount as-

certained under subparagraph (D).

(3) Aggregate excess profits net income. The "aggregate excess profits net income" for any period shall be computed for the purposes of this subsection in the same manner as under subsection (b).

Sec. 510. Definition of total assets for PURPOSES OF SECTIONS 442-446 (TITLE V, REVE-

NUE ACT OF 1951, APPROVED OCTOBER 20, 1951).
The first sentence of section 442 (f) (relating to definition of total assets) is hereby amended to read as follows: "For the purposes of this section, the taxpayer's total assets for any day shall be determined as of the end of such day and shall be an amount equal to the excess of-

"(1) The sum of the cash and the property (other than cash, inadmissible assets, and loans to members of a controlled group as defined in section 435 (f) (4)) held by the taxpayer in good faith for the purposes of

the business, over.
"(2) The amount of any indebtedness (other than borrowed capital as defined in section 439 (b) (1)) to a member of a controlled group (as defined in section 435 (g) (6)) which includes the taxpayer."

SEC. 523. EFFECTIVE DATE OF TITLE V (TITLE V, REVENUE ACT OF 1951, APPROVED OCTO-

BER 20, 1951).

• • the amendments made by this title (including sections 509 and 510) shall be applicable only with respect to taxable years ending after June 30, 1950.

Par. 16. Section 40.442-1 is amended to read as follows:

§ 40.442-1 General rule. If a taxpayer which commenced business on or before the first day of its base period establishes that it experienced certain abnormalities (described in § 40.442-2) then such taxpayer may be entitled to use the average base period net income computed under section 442 (c) or section 442 (d) whichever is applicable. If the taxpayer is also entitled to the benefits of section 442 (h) the taxpayer's average base period net income determined under section 442 shall be the amount computed under subsection (c) or (d) of such section, whichever is applicable to the taxpayer, or the amount computed under subsection (h) of such section, whichever results in the lowest excess profits tax for the taxable year. In the case of any other taxpayer entitled to the benefits of section 442 (h) the taxpayer's average base period net income determined under section 442 shall be the amount

computed under-subsection (h) of such section. See §§ 40.442-3 and 40.442-4 for methods of computation. Section 442 is applicable only if the taxpayer makes application therefor in accordance with section 447 (e) For rules governing the application of section 442 an the case of an acquiring corporation, see section 462 (d) and in the case of a component corporation, see section 461

Par. 17. Section 40.442-3 is amended by changing the first sentence of paragraph (d) (1) thereof to read as follows:

(d)' Definitions. * * *

(1) The term "total assets" for any day means the excess, determined as of the end of such day, of:

(i) The sum of the cash and other property (other than madmissible assets, as defined in section 440 (a) (1) and other than loans to members of a controlled group, as defined in section 435 (f) (4)) held by the taxpayer in good faith for purposes of the business, over

(ii) The amount of any indebtedness (other than borrowed capital, as defined in section 439 (b) (1)) to a member of a controlled group, as defined in section 435 (g) (6) which includes the taxpayer.

Par. 18. There is inserted immediately after § 40.442-3 the following new § 40.442-4.

§ 40.442-4 Alternative average base period net income—(a) In general. Section 442 (h) provides that a taxpayer which commenced business on or before the first day of its base period may use a substitute excess profits net income for 12 months (as selected under subparagraph (1) of this paragraph) of the period subject to adjustment determined under § 40.442-3, that is, the 36 months in the base period selected as having the highest aggregate excess profits net income or the lowest aggregate deficit in excess profits net income. In order to determine its eligibility for the benefits of section 442 (h) a taxpayer must first select a period of 12 months, as shown m subparagraph (1) of this paragraph and then ascertain whether the requirements set forth in subparagraphs (2) (3) and (4) of this paragraph are met.

(1) After determining under section 442 (b) and § 40.442-3 (a) the 36-month period subject to adjustment, the 12month period is selected by determining either (i) the 12 consecutive months the elimination of which produces the highest aggregate excess profits net income or the lowest aggregate deficit in excess profits net income for the remaining 24 months, or (ii) the 12 months which remain after eliminating the 24 consecutive months which produce the highest aggregate excess profits net income or the lowest aggregate deficit in excess profits net income. For the purpose of making this selection, the 36 months previously determined under section 442 (b) and § 40.442-3 (a) shall be considered a period of 36 consecutive months.

(2) The aggregate excess profits net income, if any, computed as provided in § 40.442-3 (a) (1) for the 12 months selected under subparagraph (1) of this paragraph, must be less than 35 percent of one-half of the aggregate excess profits net income so computed for the 24 months remaining after such selec-

(3) There must not be an aggregate deficit in excess profits net income for the 24 months remaining in subparagraph (1) of this paragraph.

(4) The taxpayer must show that normal production, output, or operation was interrupted or diminished because of the occurrence of events unusual or peculiar in the experience of the taxpayer (see § 40.442-2 (a)), within 12 months preceding either-

(i) The first day of the 12-month period selected under subparagraph (1) of this paragraph if 12 consecutive months are selected under subparagraph

(1) of this paragraph, or

(ii) If the 12 months selected under subparagraph (1) of this paragraph are not consecutive, the first day of any period of 6 or more consecutive months in such 12 months.

(b) Computation. If the taxpayer is entitled to the benefits of section 442 (h) under the rules of paragraph (a) of this section, its average base period net income under section 442 (h) shall

be computed as follows:

- (1) A substitute excess profits net income is determined for each of the 12 months selected under paragraph (a) (1) of this section. Such substitute excess profits net income is computed under section 442 (e) for each such month by determining the taxpayor's total assets (determined under section 442 (f) and under § 40.442-3 (d)) for the last day of the taxable year in which such month falls, or for the last day of the taxpayer's last taxable year ending before July 1, 1950, whichever day is earlier, and by multiplying such total assets by the appropriate industry base period yearly rate of return determined under section 447 for the base period year in which such month falls. See section 442 (e) (2) for special rules in case of fiscal years. Under section 442 (g) the appropriate industry classification under section 447 is the classification to which is attributable the largest amount of the taxpayer's gross receipts for the taxable year within which falls the last month for which a substitute excess profits net income is determined.
- (2) The amount determined under subparagraph (1) of this paragraph is reduced by the total interest paid or incurred by the taxpayer for the 12 months beginning with the first day of the taxable year within which such month falls.
- (3) The amount determined under subparagraph (1) of this paragraph and reduced under subparagraph (2) of this paragraph is divided by 12. amount so computed is the substitute excess profits net income for the month,

(4) The sum of the following amounts is computed:

(i) The aggregate of the amounts determined under subparagraph (3) of this paragraph but such aggregate shall not exceed one-half of the aggregate excess. profits net income computed in the manner provided in § 40.442-3 (a) (1) for the 24 months remaining in paragraph (a) (1) of this section, and

- (ii) The aggregate of the excess profits net income for each of the 24 months remaining in paragraph (a) (1) of this section, but computed by dividing the excess profits net income for the taxable year in which each such month falls by the number of full calendar months in such taxable year, and raising any deficits in excess profits net income to zero.
- (5) The amount determined under subparagraph (4) of this paragraph is divided by 3.
- (c) For special rules applicable to section 442 (h) and to this section, see § 40.442-3 (d) and (e)
- PAR. 19. There is inserted immediately preceding § 40.443-1 the following:

SEC. 511. AVERAGE BASE PERIOD NET INCOME-CHANGE IN PRODUCTS OR SERVICES (TITLE V. REVENUE ACT OF 1951, APPROVED OCTOBER 20,

Section 443 (f) (relating to change in products or services) is hereby amended to read as follows:

The benefits of this section shall not be allowed unless the taxpayer makes application therefor in secondary. tion therefor in accordance with section 447 (e).

(2) If after the end of the base period of the taxpayer there was a substantial change in the products produced by the taxpayer, such change shall, for the purpose of subsection (a) (1), be considered to have occurred on the last day of its base period if the taxpayer prior to July 1, 1950, com-menced the construction of the facilities for the production of such new product, and if such construction and the production of such new product is in furtherance of a course of action to which the taxpayer (or a corporation with which the taxpayer has the privilege under section 141 of filing a con-solidated return for its first taxable year under this subchapter) was committed prior to the close of the base period by contract with another person, which contract granted a license, franchise, or similar right essential for the production of such new product.

SEC. 523. EFFECTIVE DATE OF TITLE V (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

the amendments made by this title (including section 511) shall be applicable only with respect to taxable years ending after June 30, 1950.

Par. 20. Section 40.443-2 is amended by adding at the end thereof the following paragraph (d)

- (d) Commitment rule. (1) If after the base period of the taxpayer there was a substantial change in the products produced by the taxpayer, such change shall, for the purpose of section 443 (a) (1) and § 40.443-1 (a) (1) be considered to have occurred on the last day of its base period if:
- (i) The taxpayer prior to July 1, 1950. commenced construction of the facilities for the production of such new product, and
- (ii) Such construction and the production of such new product is in furtherance of a course of action to which the taxpayer (or a corporation with which the taxpayer has the privilege under section 141 of filing a consolidated return for its first taxable year ending after June 30, 1950) was committed prior to the close of the base period by contract with another person, which contract granted a license, franchise, or

similar right essential for the production of such new product.

(2) The contract referred to in subparagraph (1) (ii) of this paragraph must be in writing. It must have been executed prior to the end of the base period of the corporation to which the license, franchise, or similar right es-sential for the production of the new product were by its terms granted. The corporation granted such license, franchise, or similar right to produce the new product may have been either the taxpayer or any corporation with which the taxpayer has the privilege of filing a consolidated return for the taxpayer's first taxable year ending after June 30, 1950.

Par. 21. There is inserted immediately preceding § 40.444-1 the following:

SEC. 520. INCREASE IN CAPACITY FOR FRODUC-TION OR OPERATION. (TITLE V, REVERIUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 444 (f) (relating to increase in capacity for production or operation) is hereby amended to read as follows:

(f) Rules for application of section. (1) The benefits of this section shall not be allowed unless the taxpayer makes application therefor in accordance with section 447 (e).

(2) If, during its first taxable year ending after June 30, 1950, the taxpayer completed construction of (including the installation of the machinery or equipment for use in) a factory building or other manufacturing establishment, such factory building or other manufacturing establishment and such ma-chinery or equipment shall, for the purpose of determining whether there is an increase in capacity under the provisions of subsection (b), be considered to have been added to its total facilities on the last day of its base period if—

(A) The taxpayer, prior to the end of its

base period, had completed construction work representing more than 40 per centum of the total cost of construction of such factory building or other manufacturing establishment, and

(B) The completion of such factory building or other manufacturing establishment was in pursuance of a plan to which the taxpayer was committed prior to the end of its base period.

This paragraph shall not apply in determining the amount of the taxpayer's total accets for the purpose of subsection (c).

SEC. 523. EFFECTIVE DATE OF TITLE V (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20,

1951).

* * the amendments made by this title (including section 520) shall be applicable only with respect to taxable years ending after June 30, 1950.

Par. 22. Section 40.444-2 is amended by adding at the end thereof the following paragraph (c)

(c) Commitment rule. (1) If during its first taxable year ending after June 30, 1950, the taxpayer completed construction of (including installation of the machinery or equipment for use in) a factory building or other manufacturing establishment, then section 444 (b) (2) provides that such factory building or other manufacturing establishment and such machinery or equipment shall, for the purpose of determining whether there is an increase in capacity under the provisions of section 444 (b) and this section, be considered to have been added to its total facilities on the last day of its base period if:

(i) The taxpayer, prior to the end of its base period, had completed construction work representing more than 40 percent of the total cost of construction of such factory building or other manufacturing establishment, and

(ii) The completion of such factory building or other manufacturing establishment was in pursuance of a plan to which the taxpayer was committed prior to the end of its base period.

(2) Section 444 (f) (2) does not apply in determining the amount of the taxpayer's total assets for the purpose of section 444 (c) and § 40.444-3.

(3) Section 444 (f) (2) is applicable only in the case of a separate manufacturing plant, the construction of which (including installation of machinery and equipment for use therein) is completed by the taxpayer during its first taxable year ending after June 30, 1950. The section is not applicable, for example, to: additions made to plants in existence at the end of the taxpayer's base period; a factory or other manufacturing establishment acquired other than through construction, such as through purchase; machinery and equipment installed in a factory building or manufacturing establishment existing at the end of the taxpayer's base period.

(4) A legally binding form of commitment is not required; any substantial change in position prior to the end of the taxpayer's base period unequivocally establishing the intent of the taxpayer to complete the construction of such factory building or other manufacturing establishment after the end of its base period, will be taken as sufficient proof that the actual completion of the construction of such factory or other manufacturing establishment during the taxpayer's first taxable year ending after June 30, 1950, was in pursuance of a plan to which the taxpayer was committed prior to the end of its base period.

(5) For the purpose of section 444 (f) the term "other manufacturing establishment" means a production structure, other than a factory building, such as an oil refinery.

PAR. 23. There is inserted immediately preceding § 40.445-1 the following:

SEC. 512. AVERAGE BASE PERIOD NET INCOME-HEW COMPORATION (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 445 (c) (relating to total assets for first three years of new corporation) is hereby amended by adding at the end thereof the following new centence: "For the purpose of this subsection, the net capital addition or reduction shall be computed without regard to the limitation to 75 per centum provided in section 435 (g) (3) (C) and section 435 (g) (4) (C) and (E)."
Sec. 523. Envective date of title v (title v,

REVENUE ACT OF 1951, APPROVED COTOZER 20,

1951). the amendments made by this title (including section 512) shall be applicable only with respect to taxable years ending after June 30, 1950.

PAR. 24. Section 40.445-2 is amended by inserting at the end of paragraph (d) (1) thereof the following: "For the purpose of this paragraph, the net capital addition or reduction shall be computed without regard to the limitation to 75 percent provided in section 435 (g) (3) (C), relating to an increase in borrowed capital, and section 435 (g) (4) (C) and (E) relating to a decrease in borrowed capital and an increase in loans to members of a controlled group of corporations of which the taxpayer is a member."

Par. 25. There is inserted immediately preceding § 40.450-1 the following:

Sec. 522. STATEGIC MINERALS (TITLE V, REVE-NUE ACT OF 1951, APPROVED OCTOBER 20, 1951). Section 450 (b) (1) (relating to corporations engaged in mining of strategic minerals) is hereby amended by inserting after "chromite," the following: "bauxite,"

SEC. 523. EFFECTIVE DATE OF TITLE V (TITLE V, REVENUE ACT OF 1951, AFFROVED OCTOBER 20, 1951).

* * the amendments made by this title (including section 522) shall be applicable only with respect to taxable years ending after June 30, 1950.

Par. 26. Section 40.453-2, as amended by Treasury Decision 5953, approved December 2, 1952, is further amended as follows:

(A) By striking the second sentence from paragraph (c) (5) of such section and by inserting in lieu thereof the following: "The mineral units or timber units of a lessor for the taxable year shall be computed in the same manner as in the case of a producer, except that:

"(i) In the case of a lessor of a timber

block, and

"(ii) In computing nontaxable income from exempt excess output for taxable years ending after December 31, 1950, in the case of a lessor of a coal property,

"there shall not be included in the timber or coal units for such year any timber or coal which has been disposed of by the lessor and which is considered to have been sold under the provisions of section 117 (k) (2)"

(B) By adding at the end of paragraph (k) of such section the following: "In computing nontaxable income from exempt excess output for taxable years ending after December 31, 1950, in the case of a lessor of a coal property the estimated recoverable units shall be determined without regard to coal which has been disposed of by the lessor and which is considered to have been sold under the provisions of section 117 (k) (2)"

(C) By adding at the end of paragraph (m) (14) of such section the following: "In the case of a lessor of a timber block, and for taxable years ending after December 31, 1950, in the case of a lessor of a coal mining property, there shall not be included in the timber units or coal units to be used in the computation of unit net income any timber or coal which has been disposed of by the lessor and which is considered to have been sold under the provisions of section 117 (k) (2)"

(53 Stat. 32; 26 U.S. C. 62)

[SEAL] JOHN S. GRAHAM,

Acting Commissioner of ...

Internal Revenue.

Approved: January 16, 1953.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 53-711; Filed, Jan. 21, 1953;
8:54 a. m.]

method."

[T. D. 5972, Regs. 130]

PART 40—EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

COMPUTATION OF INCOME ON ACCRUAL METHOD

On November 25, 1952, a notice of proposed rule making was published in the Federal Register (17 F R. 10706) to amend Regulations 130 [26 CFR. Part 401. No objections to the rules published having been received within the thirty days following publication, such regulations are hereby amended by striking from § 40.455-2 (b) thereof the second, third, fourth, and fifth sentences, which read as follows: "The deduction for bad debts under section 23 (k) shall be allowed only with respect to debts which. become worthless within the taxable year. No reserve for bad debts arising from installment accounts receivable may be set up for excess profits tax purposes only, and no bad debt deduction shall be allowed for any additions to such a reserve. Only those debts which have become worthless within the taxable year and which are allowed as a deduction in the computation of net income for the purposes of the normal tax and surtax for the taxable year shall be allowed in the determination of the bad debt deduction for excess profits tax purposes under section 455 (a) debt reflected in installment accounts receivable was created in a prior taxable year, and if the total amount of the profit represented by such installment accounts receivable is includible in gross income for such year under the accrual method of accounting, the amount of the deduction for the bad debt shall be computed upon the accrual method and shall not be limited to the unrecovered cost of the goods or articles sold in consideration of such debt." and inserting in lieu thereof the following new sentences: "No reserve for bad debts arising from accounts receivable from installment sales or installment sales obligations may be set up for excess profitstax purposes unless a reserve has been established for income tax purposes. If a debt reflected in installment accounts receivable was created in a prior taxable year, and if the total amount of the profit represented by such installment accounts receivable is includible in gross income for such year under the accrual method of accounting, the amount of the deduction for bad debts, in the case of a taxpayer which bases its deduction for bad debts on the debts which become worthless within the taxable year, shall be computed upon the accrual method and shall not be limited to the unrecovered cost of the goods or articles sold in consideration of such debt. The same principle shall be applicable in determining the amount which may be deducted as a reasonable addition to a reserve for bad debts in the case of a taxpaver properly on the reserve

(58 Stat. 82; 26 U.S. C. 62)

[SEAL] JOHN S. GRAHAM,

Acting Commissioner of

Internal Revenue.

Approved: January 16, 1953,

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 53-710; Filed, Jan. 21, 1953;
8:54 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 34, Supplementary Regulation 36]

CPR 34-Services

SR 36—LINEN SUPPLY SERVICES IN THE PITTSBURGH, PENNSYLVANIA, AREA

Pursuant to the Defense Production Act of 1950, as amended, Executivo Order 10161 and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 36 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 36 to Ceiling Price Regulation 34 permits an increase in the ceiling prices of linen supply services furnished by linen suppliers in the counties of Allegheny, Westmoreland, Fayette, and Cambria, Pennsylvania, hereafter called the Pittsburgh, Pennsylvania Area.

An analysis of the operating costs and profit margins of a representative number of sellers who provide 95 percent of the linen supply services in the area reveals that they are suffering an impairment of their pre-Korean earnings as a result of increased costs of operation resulting from wage increases, replacement of worn out, obsolete equipment, and higher costs of materials.

Under the provisions of this supplementary regulation, ceiling prices of linen suppliers in the Pittsburgh, Pennsylvama Area may be increased by 6 percent, such adjustment to be applied to the total amount of each invoice rendered to the customer and identified as the "OPS permitted price increase", or, at the option of the individual linen supplier, the established flat price for each article may be increased 6 percent. The adjusted flat price must, within ten days after determination, be filed with the appropriate Office of Price Stabilization District Office as required by section 18 of Ceiling Price Regulation 34, as amended.

The uniform increase has been determined in accordance with the standards for individual adjustments under section 20 of Ceiling Price Regulation 34, as amended.

Linen suppliers subject to this supplementary regulation may not, after the effective date of this supplementary regulation, obtain an adjustment of their ceiling prices under section 20 of Ceiling Price Regulation 34, as amended. In addition, adjustments previously granted under that section are automatically

revoked upon the effective date of this supplementary regulation.

In the formulation of this supplementary regulation, the Director has consulted insofar as practicable with representative suppliers of these services, including representatives of trade associations, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the increases permitted by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec. Purpose.

- 2. Relationship to Ceiling Price Regulation
- Adjustment of ceiling prices.
 Application of section 20 of Ceiling Price Regulation 34.
- 5. Definitions.

'AUTHORITY: Sections 1 to 5, issued under sec. 704, 64 Stat. 816, as amended; 50 U.S.C. App. Supp. 2154. "Interpret or apply Title IV, 64 Stat. 803, as amended; 50 Û. S. C. App. Supp. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp.

SECTION 1. Purpose. This supplementary regulation permits linen suppliers located in the Pittsburgh, Pennsylvania Area to increase the ceiling prices of their linen supply services by 6 percent. This supplementary regulation shall not apply to any other services supplied by such linen suppliers.

SEC. 2. Relationship to Ceiling Price Regulation 34. All provisions of Ceiling Price Regulation 34, as amended, except as affected by the provisions of this supplementary regulation, shall remain in effect.

SEC. 3. Adjustment of ceiling prices. You may, to the extent you furnish linen supply services from locations in the Pittsburgh, Pennsylvania Area, increase your ceiling prices by 6 percent for linen supply services thus supplied by either of the following methods:

(a) You may apply such adjustment to the total amount of each invoice rendered to the customer, provided you shall clearly write or stamp beside the adjustment on each invoice the words "OPS permitted price increase" If you use this method of applying your price mcrease you need not make the supplementary filing required by section 18 (c) of Ceiling Price Regulation 34, as amended.

(b) You may in lieu of the method provided in paragraph (a) of this section, increase by 6 percent the flat price of each linen supply service article. Within ten days after your prices are established under this paragraph, you must prepare and file with your district office of the Office of Price Stabilization a supplemental statement as required by section 18 of Ceiling Price Regulation 34. You may not establish prices under paragraph (a) of this section once you have elected to establish prices under this paragraph.

(c) If the increase calculated in paragraphs (a) and (b) of this section results in a fraction of a cent, the ceiling

price must be decreased to the next lower cent if the fractional cent is less than one-half cent, or may be increased to the next higher cent if the fraction is one-half cent or more.

SEC. 4. Application of section 20 of Ceiling Price Regulation 34. (a) No seller of linen supply services subject to this supplementary regulation, may, after the effective date of this regulation, apply for an adjustment of any of his ceiling prices for linen supply services under section 20 of Ceiling Price Regulation 34, as amended. All orders estab-lishing ceiling prices of any seller of linen supply services subject to this supplementary regulation issued under either section 20 (a) (b) or (c) of Ceiling Price Regulation 34, as amended, are hereby revoked, upon the effective date of this regulation.

Sec. 5. Definitions. (a) As used in

this supplementary regulation the term:
(1) "Pittsburgh, Pennsylvania Area" means the area comprising the Counties of -Allegheny, Westmoreland, Fayette and Cambria, Pennsylvania.

(2) "Linen supply services" means the supplying to others, on a rental basis, of clean laundered linen or garments by the owner of these items. The term "linen" as used in this definition, is not confined to articles made of linen textiles, but includes articles consisting of any fabric which are commonly laundered as distinguished from being dry cleaned.

(Sec. 704, 64 Stat. 816, as amended; 50 U.S.C. App. Sup. 2154)

Effective date. This supplementary regulation is effective January 26, 1953.

> JOSEPH H. FREEHILL, Director of Price Stabilization.

JANUARY 21, 1953. [F. R. Doc. 53-827; Filed, Jan. 21, 1953; 11:48 a. m.]

[Ceiling Price Regulation 66, Amdt. 2] CPR 66—ASPHALT AND ASPHALT PRODUCTS TRANSPORTATION

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 2 to Ceiling Price Regulation 66 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 66 revises the provisions of section 16, which deal with increased transportation costs. First, it eliminates the "cut-off" date of May 15, 1951 so as to permit transportation rate increases effective after that date to be passed on to the purchaser in the same manner as were those transportation rate increases effective between January 25, 1951 and May 15, 1951. Second, it permits the pass-through of certain inbound freight increases. Third, it permits sellers to round out their increased ceiling prices according to customary base period prac-

Substantial increases in transportation rates have occurred since the May

15, 1951 "cut-off" date, with serious effects upon the marketing of the products covered by the regulation. In line with the policy underlying similar actions taken by the Office of Price Stabilization with respect to other regulations, such as Supplementary Regulations 120 and 122 to the General Celling Price Regulation, Supplementary Regulation 35 to Ceiling Price Regulation 22, and others, it is now considered advisable to eliminate the 'cut-off" date in this CPR 66. Accordingly, with the change in section 16 effected by this amendment, the regulation will permit increases in ceiling prices to reflect increases in outbound transportation costs resulting from authorized rate increases effective since May 15, 1951.

The petroleum asphalt industry is composed, for the most part, of specialists who purchase a semi-finished petroleum product which they further process into finished asphalt. This semi-finished stock is generally purchased on an 1. o. b. refinery basis. Unlike industries where the value of the product is high in relation to transportation costs, the cost of transporting the asphalt or the semifinished stock used in the manufacture of finished asphalt is approximately one-third of the total cost of the raw material. Absorption of the increases in freight rates authorized by the Interstate Commerce Commission since January 25, 1951 have placed a great burden on processors of asphalt. In addition, the asphalt industry for the most part operates on a low margin of profit. Information available to the Director indicates that as a result of these conditions, the increases in freight rates have substantially reduced or eliminated the margin between cost of raw material and selling price.

In the case of the asphalt industry, the net increase in transportation costs is a substantial percentage of the profit margin and furnishes grounds for concluding that earnings of the industry have been reduced below the minimum requirements of the industry earnings or product standard. Industry representatives have requested that they be allowed to pass through transportation rate increases. Instead of making an industry earnings or product standard survey at this time to determine the exact amount of any increase required, OPS has concluded that it would be appropriate, for the present, to authorize the transportation rate increases to be passed through, in the same manner and for much the same reasons as was done in the cases of ready-mixed concrete (SR 106 to the GCPR) and mixed ferti-lizers (SR 114 to the GCPR) both also bulky commodities with high transportation costs in relation to value.

This amendment specifically excludes increased costs of transportation resulting from shifts in source of supply, as a basis for increases in ceiling prices. Increases permitted by this amendment may be rounded out to the nearest cent or fraction of a cent in accordance with the seller's customary base period practice.

In the formulation of this amendment there has been consultation with industry representatives, including trade

association representatives, to the extent practicable, and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization the changes set forth in these amendatory provisions are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Section 16 of Ceiling Price Regulation 66 is amended to read as follows:

SEC. 16. Transportation. (a) A seller may add to the applicable delivered ceiling prices determined under other sections of this regulation the amount of increase in his unit cost resulting from transportation rate increases after January 25, 1951 permitted by Federal or State regulatory bodies or by the Office of Price Stabilization. Such increases may include taxes which are a part of or are applicable to the increase. If the increase in transportation rates occurs after the effective date of this regulation, the higher ceiling prices may be made effective on or after the day that the increased transportation rate goes into effect.

(b) A seller may also add the increased unit cost he incurs as a result of permitted increased transportation rates on semi-finished petroleum products he uses as raw material for asphalt and asphalt products. A producer increasing his ceiling price under this subsection may add to his ceiling prices only an amount which will reflect proportionately for each finished product the freight rate increases on the raw materials. In no case shall increases in rates of transporting crude petroleum be considered as a basis of increasing ceiling prices under this section.

(c) Where the transportation of the product is in facilities owned or controlled by the seller and is in lieu of movement by a regulated carrier, he may add the unit increase that would be permitted him in paragraphs (a) or (b) of this section, had he used such regulated carrier.

(d) A seller may round the additions to his ceiling price determined under this section to the nearest cent or fraction of a cent in accord with his customary practice. If a seller elects to round one ceiling price he must similarly round all his ceiling prices increased under this section to reflect decreases as well as increases.

(e) Nothing in this section shall authorize a seller to increase his ceiling prices as a result of higher transportation costs. (including excise taxes thereon) caused by a change from the normal source of supply or a change to a different method of transportation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective January 21, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.
JANUARY 21, 1953.

[F. R. Doc. 53-825; Filed, Jan. 21, 1953; 11:48 a. m.]

[General Overriding Regulation 9, Amdt. 31]

GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

SALES OF METAL AND PLASTIC MONUMENTS AND MEMORIALS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to General Overriding Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts from price control certain metal and plastic monuments and memorials. Sales of these commodities by both producers and resellers are exempted by this amendment. These exemptions are of insignificant importance to the cost of living or to the cost of the defense program. There is no likelihood that removal of control of these commodities will affect sales or prices of other commodities through diversion of materials, labor, or facilities. In addition, their control involves administrative and enforcement difficulties disproportionate to their economic significance.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 9 is amended in the following respects:

(1) Section 2 (a) is amended by adding thereto a new subparagraph numbered (31) and reading as follows:

(31) Sales of metal and plastic monuments and memorials. "Monuments and memorials" means markers, medals, epitaphs, cenotaphs, statues, tablets, pillars, plaques, tombs, trophies, sarcophagi, and burial vaults intended to preserve the memory of a person or event, when made of metal, a metal alloy or plastic.

(Sec. 704, 64 Stat. 816, as amended; 50 U.S. C. App. Sup. 2154)

Effective date. This amendment is effective January 21, 1953.

JOSEPH H. FREEHILL, Director of Price Stabilization.

JANUARY 21, 1953.

[F. R. Doc. 53-826; Filed, Jan. 21, 1953; 11:48 a. m.]

[General Overriding Regulation 35, Amdt. 7] GOR 35—Pass Through for Steel, Iron, COPPER AND ALUMINUM COST INCREASES

PASS THROUGH ON PURCHASES FROM SOURCES OTHER THAN MILL SUPPLIERS OR WAREHOUSES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 7 to General Overriding Regulation 35 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation (GOR) 35 permits manufacturers who use any of the products listed in Appendix A as a manufacturing material to pass on to their customers at least the increase listed in Appendix A, irrespective of the source of supply of such products.

Section 6 of GOR 35, in providing methods for determining the cost increases which may be passed on, covers only two sources of supply mill suppliers (which term is used to mean producers) and warehouses. Purchases from mill suppliers are covered by section 6 (a) and those from warehouses are covered by section 6 (b)

No provision is made for a passthrough based on cost increases on purchases which do not fall in either of these classes, such as purchases of excess stock and other purchases from a reseller who does not operate a warehouse. Although such purchases are relatively rare, whenever they occur the seller is likely to be entitled, under the applicable OPS regulation, to a ceiling price increase equal to or in excess of the corresponding increase listed in Appendix A. Thus, it seems fair that manufacturers who further process products so purchased be permitted to pass on to their customers at least the increases listed in Appendix A. This amendment provides for such an increase by extending the provisions of section 6 (a) and (b) relative to purchases from mill suppliers to all purchases from the producing mill or any reseller other than a warehouse.

In view of the nature of this amendment special circumstances have made consultation with industry representatives, including trade association representatives. impracticable.

AMENDATORY PROVISIONS

General Overriding Regulation 35 is amended as follows:

1. Section 6 (a) is amended to read:

(a) Purchases from the producing mill or resellers other than warehouses. Appendix A lists the authorized ceiling price increases for steel, aluminum, brass and copper wire-mill products, and for pig iron. If you purchase any of these materials directly from the manufacturer or from a reseller other than a warehouse, you may reflect in your adjustment the full amount of the listed increases. This regulation does not require (with one exception later noted) manufacturers of any of these materials to notify their customers of their increases because it is presumed they have been selling at their old ceilings and will take the listed increases in full. You may, therefore, make your adjustment immediately to reflect the appropriate amount of the listed increase. You may make the same adjustment if you purchase from a reseller other than a warehouse.

2. Section 6 (b) is amended to read:

(b) Purchases from warehouses. (1) If you normally purchase any steel products from a warehouse you must turn to Appendix B. That appendix lists the

authorized warehouse markups for the steel products listed in Appendix A. In order to obtain the adjustment to which you are entitled you add to the increase listed in Appendix A the warehouse markup listed in Appendix B.

(2) Whether you are entitled to take the warehouse increase on a particular material depends on where you obtained your supply of that material during your last complete fiscal year ending not later than July 31, 1952. If during that period you bought 75 per cent or more (by weight) of that material directly from mills or from resellers other than warehouses, you may take only the increase listed in Appendix A.

(3) If you bought more than 25 per cent (by weight) of that material from warehouses, you must use the average increase weighted on the basis of the amount bought from each class of supplier during your last complete fiscal year. You calculate this average increase as follows:

(i) Multiply the physical amount bought from mills or from resellers other than warehouses by the increase listed in Appendix A.

(ii) Multiply the physical amount bought from warehouses by the warehouse increase (Appendix A increase, plus markup factor listed in Appendix B)

(iii) Add the results obtained under subdivisions (i) and (ii) of this subparagraph.

(iv) Divide the result under (iii) by the total quantity of the material bought from all sources. This gives you the amount of the cost increase you are permitted to pass through in making your

adjustment.

(Sec. 704, 64 Stat. 816, as amended; 50 U.S.C. App. Sup. 2154)

Effective date. This Amendment 7 to General Overriding Regulation 35 is effective January 26, 1953.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

JANUARY 21, 1953.

[F. R. Doc. 53-829; Filed, Jan. 21, 1953; 4:00 p. m.]

[General Overriding Regulation 42, Amdt. 1]

GOR 42—ADJUSTMENTS UNDER THE INDUSTRY EARNINGS STANDARD FOR MACHINERY, RELATED MANUFACTURED GOODS, AND BUILDING MATERIALS

ADDITION OF WINDOW GLASS AND ASPHALT INSULATING SIDING TO COMMODITIES COVERED

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to General Overriding Regulation 42 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 42 expands its scope to cover certain building materials as well as machinery and related manufactured goods. It also establishes interim uniform adjustment factors increasing the ceiling prices for window glass by 3.25 percent and asphalt insulating siding by 11.5 percent over their respective General Celling Price Regulation ceiling prices.

General provision for the expansion of the area covered by the regulation is made by amending its title and by amending section 3 to provide instructions for the pricing of new commodities covered by Ceiling Price Regulation 22.

Both of the interim price adjustments established by this amendment are the results of "streamlined" survey procedures undertaken by the Office of Price Stabilization in order to ascertain the price relief required by these industries under the "Industry Earnings Standard." This standard and the procedures by which it is implemented are more fully described in the statement of considerations accompanying the issuance of GOR 42, and to such end that statement is incorporated herein by reference.

The survey of the window glass industry was undertaken at the request of individual industry members. The industry comprises only five manufacturers, all of which were covered in the survey. It was found that all sales of window glass by these manufacturers were made at ceiling prices established by section 3 of the GCPR. Sales at these prices continued even after CPR 22 became effective although some companies were entitled to higher ceiling prices under the latter regulation. However, because of the basic similarity in the products of the various manufacturers, their selling prices have historically retained uniform relationships. For this reason, and for continuing competitive factors, this uniform price relationship was retained even after the mandatory effective date of CPR 22. It should be noted also that for the foregoing reasons no member of the industry established adjusted ceiling prices under the so-called "Capehart regulations."

For the foregoing reasons, it is appropriate to apply the percentage adjustment required by the application of the industry earnings standard to the GCPR ceiling prices. The adjustment factor which was developed was 3.25 percent. In determining this adjustment factor, recognition was given, among other costs, to the increased costs of outbound transportation. For this reason, use of this adjustment provision precludes window glass manufacturers from applying the pass-through provisions of Supplementary Regulation 35 to CPR 22 (Adjustments to Reflect Increased Outbound Transportation Rates)

The survey of the asphalt insulating siding industry was undertaken as a result of requests expressed at an Industry Advisory Committee meeting held on August 23, 1952. This was also, at the request of the committee, a "streamlined" survey. The information developed at the meeting, and from the financial data submitted by the firms in the sample, discloses a situation almost identical with that prevailing for sales of window glass in that the prices for

the manufacturers' sales of asphaltinsulating siding continued to be made at ceiling prices established under the GCPR even after the effective date of CPR 22. Less than one-tenth of one percent of sales were made at prices below GCPR ceilings, and an appropriate adjustment was made for this minor variation in calculating the amount of relief required by the industry in order to restore its earnings to the level required by the industry earnings standard. It was found that the GCPR ceiling prices would have to be increased by 11.5 percent. Here, too, recognition was given to increased costs in outbound transportation in determining the amount of increase required. Therefore, this regulation precludes the affected manufacturer from applying SR 35 to CPR 22, or the parallel SR 122 to the GCPR.

Both industries sell their products on the basis of published list prices subject to established applicable discounts to various classes of purchasers. This list price discount structure has remained unchanged since the GCPR base period. This makes it possible for the GCPR ceiling prices to be readily and accurately ascertained from list prices and discounts currently in effect. It is therefore practicable to use the selling prices in effect on the issue date of this amendment as the "adjustment period prices."

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given their recommendations.

ALIENPATORY PROVISIONS

General Overriding Regulation 42 is amended in the following respects:

- 1. The title is amended to read as set forth above.
- 2. Section 3 is amended by the addition of the following paragraph (c).
- (c) CPR 22—(1) Section 30—Ceiling prices for new commodities differing only by reason of minor changes from base period commodities. If you are covered by CPR 22 and if the CPR 22 ceiling price of the commodity in question must be determined under section 30 of CPR 22, you may use as the ceiling price of the "previous commodity" the ceiling price for that "previous commodity" determined under this regulation.
- (2) Section 32—Ceiling prices for new commodities falling within categories dealt in during the base period. If you are covered by CPR 22 and if the CPR 22 ceiling price for the commodity in question must be determined under section 32 of CPR 22 you may use as the ceiling price of the "comparison commodity" the ceiling price for that "comparison commodity" determined under this regulation.

(3) Section 33—Ceiling prices for commodities in new categories, for new sellers and for sales to an entirely new class of purchaser. If you are covered by CPR 22 and if the CPR 22 ceiling price of the commodity in question must be determined under section 33 of CPR 22, you may use as "the ceiling price of your most closely competitive seller of the

same class selling the same commodity or, lacking the same, a substantially similar commodity to the same class of purchaser" such a ceiling price as adjusted under this regulation.

(4) Section 34—Sellers who cannot price under other sections. If you are covered by CPR 22 and if you must determine your ceiling price for the commodity in question under section 34 of CPR 22, you may not use this regulation to adjust the ceiling price of such a commodity.

3. Article II is amended by the addition of the following two sections, 21 and 22.

SEC. 21. Window glass-(a) Commodities included. Window glass (sometimes called sheet glass) which is defined as a transparent, unground and unpolished glass with a finish known as fire finished, formed when the glass passes from a molten to hard state, and includes common window glass, thin glass, and heavy or crystal sheet glass, or any size, quality or thickness thereof whether substantially flat or bent. For the purposes of this section, any crating or packaging applied by the manufacturer shall be deemed to be part of the commodity defined in this paragraph.

(b) Adjustment period price. The adjustment period price for any commodity included in paragraph (a) of this section is the selling price in effect on January 20, 1953, to each class of pur-chaser, not to exceed in any case the applicable published list price less all applicable discounts then in effect.

(c) Percentage adjustment. The percentage adjustment for commodities included in this section is 103.25 percent.

(d) Relationship of the adjustment provided by this section to other adjustment regulations—(1) Capehart regula-You may elect to apply the provisions of supplementary regulations 17 or 18 to CPR 22, or GOR 20 or 21 to establish your ceiling prices. If you do so elect, however, you may not use the provisions of this regulation.

(2) Outbound transportation costs. Adjustments permitted by SR 35 to CPR 22 or SR 122 to the GCPR (Adjustments to Reflect Increased Outbound Transportation Rates) for increases occurring before January 21, 1953, may not be included in the adjustment period price for any commodity covered by this section. Further, if the price of the commodity in question during the adjustment period included an adjustment for increased outbound transportation costs under either SR 35 to CPR 22 or SR 122 to the GCPR, this price must be reduced by the dollar amount of the transportation cost adjustment before it may be used as an adjustment period price. However, if increases in these costs occur on or after the effective date of this section (see paragraph (e) of this section) an adjustment therefor may be determined in accordance with SR 35 to CPR 22 or SR 122 to the GCPR, whichever is applicable: Provided, That January 20, 1953, must be used as the "base. date" for the purpose of such determination.

(e) Effective date. The adjustment authorized by this section becomes effective January 21, 1953.

Sec. 22. Asphalt insulating siding-(a) Commodities included. "Asphalt insulating siding" means a special building product designed for use as exterior siding, and which is composed of vegetable fiber board partially impregnated with bitumen, coated on the weather side with mineral stabilized asphalt, and surfaced with mineral granules of solid or mixed colors, and is then embossed or textured in various designs.

(b) Adjustment period price. The adjustment period price for any commodity included in paragraph (a) of this section is the selling price in effect on January 20, 1953, to each class of purchaser, not to exceed in any case the applicable published list price less all applicable discounts then in effect.

(c) Percentage adjustment. The percentage adjustment for commodities included in this section is 111,5 percent.

(d) Relationship of the adjustment authorized by this section to other adjustment regulations—(1) Capehart regulations. You may elect to apply the provisions of supplementary regulations 17 or 18 to CPR 22, or GOR 20 or 21 to establish your ceiling prices. If you do so elect, however, you may not use the provisions of this regulation.

(2) Outbound transportation costs. Adjustments permitted by SR 35 to CPR 22 or SR 122 to the GCPR (Adjustments to Reflect Increased Outbound Transportation Rates) for increases occurring before January 21, 1953, may not be included in the adjustment period price for any commodity covered by this section. Further, if the price of the commodity in question during the adjustment period included an adjustment for increased outbound transportation costs under either SR 35 to CPR 22 or SR 122 to the GCPR, this price must be reduced by the dollar amount of the transportation cost adjustment before it may be used as an adjustment period price. However, if increases in these costs occur on or after the effective date of this section (see paragraph (e) of this section) an adjustment therefor may be determined in accordance with SR 35 to CPR 22 or SR 122 to the GCPR, whichever is applicable: Provided, That January 20, 1953, must be used as the "base date" for the purpose of such determinations.

(e) Effective date. The adjustment authorized by this section becomes effective January 21, 1953.

(Sec. 704, 64 Stat. 816, as amended: 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective January 21, 1953.

> JOSEPH H. FREEHILL, Director Office of Price Stabilization.

JANUARY 21, 1953.

[F. R. Doc. 53-828; Filed, Jan. 21, 1953; 11:48 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[Revised CMP Regulation No. 6, Direction 8 as Amended January 21, 1953]

CMP Reg. 6—Construction

DIR. 8-REVISIONS OF RESTRICTIONS ON AC-QUISITION AND USE OF MATERIALS AND PRODUCTS

This direction as amended under Revised CMP Regulation No. 6 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different industries.

EXPLANATORY

This direction as amended affects Direction 8, amended December 10, 1952, to Revised CMP Regulation No. 6, by amending paragraph (d) of section 1, and Appendix A of the direction, increasmg the quantity of controlled materials for which self-authorization orders may be placed in connection with the construction of public roads and highways.

REGULATORY PROVISIONS

Sec.

What this direction does.
 "Small construction projects."

3. Recreational, entertainment, and amusement construction projects.

4. Construction of multiunit residential structures.

5. Dollar limitation on DO-rated orders.

6. Self-authorization quantities of controlled materials.

7. Placing of purchase orders.

8. Allotment numbers.

9. Use of aluminum in recreational, entertainment, and amusement construction projects.

10. Effect of this direction.

Appendix A-Categories of construction and quantities of controlled materials for which purchase orders may be self-authorized.

AUTHORITY: Sections 1 to 10 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong., 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, E. O. 1951 Supp.

SECTION 1. What this direction does. It has been determined that substantial revision and liberalization of the rules relating to construction of recreational, entertainment, and amusement construction projects, to construction of multiunit residential structures, and to self-authorization of purchase orders for materials and products to be used in construction may be permitted. This direction is issued, therefore, to enable persons to go forward with the planning necessarily preliminary to the commencement of construction (as defined in Revised CMP Regulation No. 6) and to place orders for delivery after December 31, 1952, of steel and copper controlled material, and for delivery after April 30, 1953, of

aluminum controlled material, so that actual construction work can proceed in the first and second quarters of 1953, and the quarters subsequent thereto, with the minimum possible delay. The revisions consist of the following:

(a) Provision for the right to self-authorize purchase orders up to the quantities specified in this direction, in connection with recreational, entertainment, and amusement construction projects (see sections 3, 5, and 6, and Appendix A of this direction)

(b) Provision that foreign and used steel may be used in recreational, entertainment, and amusement construction projects in the same manner as in all other construction (see section 3 of this direction)

(c) Provision for the right to selfauthorize purchase orders up to the quantities specified in this direction, in connection with construction of multiunit residential structures (see sections 4, 5, and 6, and Appendix A of this direction)

(d) Elimination of the distinction made in section 2 and Table II of Revised CMP Regulation No. 6 between "industrial construction" and the category "all other construction" and re-classification of construction projects into the following categories: (1) Construction by, or for the account of, the Department of Defense or the Atomic Energy Commission; (2) residential construction; (3) recreational, entertainment, and amusement construction; and (4) "all other construction." This new category "all other construction," referred to in the preceding sentence, includes both industrial and commercial construction, and the construction of schools and hospitals, public utility systems, water and sewage projects, transportation facilities, and public buildings and facilities including highway construction (see sections 5 and 6, and Appendix A of this direction)

(e) Restatement of the quantities of materials and products for which purchase orders may be self-authorized, and elimination of the restriction on self-authorization of purchase orders for carbon steel wide-flange beam sections or columns (see sections 5 and 6, and Appendix A of this direction)

SEC. 2. "Small construction projects." A project shall be considered a "small construction project" for the purposes of this direction if, after December 31. 1952, the owner will be able to complete the project: (a) Without requiring delivery of more controlled materials than the appropriate quantities specified in Appendix A of this direction for the particular category of construction; and (b) without requiring authorization to use a DO rating to procure delivery of building equipment and building materials (other than controlled materials) production equipment and production machinery, in dollar amounts exceeding those specified in section 4 of this direc-

tion; and (c) without requiring authorization to use a DO rating to procure any item described in section 23 (b) of Revised CMP Regulation No. 6.

SEC. 3. Recreational, entertainment, and amusement construction projects.

(a) Effective January 1, 1953, the rules with respect to the commencement or continuance of recreational, entertainment, and amusement construction projects shall be the rules with respect to the right to commence or continue construction set forth in paragraphs (a) (d) and (e) of section 4 of Revised CMP Regulation No. 6. Further, effective January 1, 1953, the self-authorization procedures described in Article IV of Revised CMP Regulation No. 6 shall be applicable to, and the term "small construction project" shall include, construction of recreational, entertainment, and amusement construction projects.

(b) Effective January 1, 1953, the provisions of Article VI of Revised CMP Regulation No. 6 (Use of foreign and used steel) shall be applicable to recreational, entertainment, and amusement construction projects.

Sec. 4. Construction of multiunit residential structures. Effective January 1, 1953, the rules with respect to the commencement or continuance of multiunit residential structures shall be the rules with respect to the right to commence or continue construction set forth in paragraphs (a) (d) and (e) of section 4 of Revised CMP Regulation No. 6. Further, effective January 1, 1953, the self-authorization procedures described in Article IV of Revised CMP Regulation No. 6 shall be applicable to, and the term "small i construction project" shall include, construction of multiunit residential structures.

SEC. 5. Dollar limitation on DO-rated orders. (a) Effective January 1, 1953, the following limitation shall be applicable to the placing of DO-rated purchase orders with respect to any "small construction project" where construction is or was commenced after March 5, 1952: A DO rating authorized pursuant to Article IV of Revised CMP Regulation No. 6 may not be used for any entire single construction project in dollar amounts in excess of the following:

Category of construction	Building equipment and building materials (other than controlled materials)	Preduction equipment- and pro- duction machinery
Recreational, entertainment, and amusement construction projects. A Residential construction	\$15,009	\$5,600
projects other than multi- unit residential structures.	No dellar limit	Neno
All other "small construc- tion projects"	100,000	203,000

(b) The provisions of paragraphs (a) and (b) of section 23 of Revised CMP

Regulation No. 6 shall continue to be applicable to all construction projects covered by Article IV of Revised CMP Regulation No. 6 (see section 28 of Revised CMP Regulation No. 6 for exemptions).

SEC. 6. Self-authorization quantities of controlled materials. Effective January 1, 1953, the quantities of controlled materials for which the owner of a "small construction project" may self-authorize purchase orders, in connection with construction projects covered by Revised CMP Regulation No. 6, shall be the quantities specified in Appendix A of this direction.

Sec. 7. Placing of purchase orders. An owner of a "small construction project" may place his purchase orders at any time, in accordance with the provisions of Article IV of Revised CMP Regulation No. 6, up to the amount specified in section 5 and Appendix A of this direction: Provided, however That such orders shall not call for delivery prior to the appropriate date specified in this direction, of materials or products in excess of the quantities specified in section 23 and Table II of Revised CMP Regulation No. 6. (The appropriate dates specified in this direction are as follows: for steal and copper controlled materials, and for products of the type referred to in section 5 of this direction, January 1, 1953; for aluminum controlled material, May 1,

SEC. 8. Allotment numbers. An owner who may self-authorize purchase orders pursuant to the provisions of this direction is authorized to use the following allotment numbers on his purchase orders calling for delivery after December 31, 1952:

T-9 for water wells, water and sewage systems and plants under the jurisdiction of the NPA Water Resources Division (cee Table IV of Reviced CMP Regulation No. 6).

U-7 for all types of residential structures. U-8 for all other categories of construction.

Sec. 9. Use of aluminum in recreational, entertainment, and amusement construction projects. Notwithstanding any provisions contained in section 24 of Revised CMP Regulation No. 6, after April 30, 1953, aluminum may be used in the construction of recreational, entertainment, and amusement construction projects.

SEC. 10. Effect of this direction. To the extent that the provisions of this direction are inconsistent therewith, this direction supersedes the provisions of Revised CMP Regulation No. 6.

This direction as amended shall take effect January 21, 1953.

NATIONAL PRODUCTION
AUTHORITY,
By George W Auxier,
Executive Secretary.

8 UNDER REVISED A TO DIRECTION 8 UNDE CMP REGULATION NO '6 CATEGORIES OF CONSTRUCTION AND QUANTITIES OF CONTROLLED MATERIALS FOR WHICH PUR CHASÉ ORDERS MAY BE SELF AUTHORIZED 1

A RESIDENTIAL CONSTRUCTION 2

- One- through four-family residential structures:
- Pounds pipe water distribution sys-(1) Residential structure using steel tem per dwelling unit-new construction:
- 2 300 1 500 Stainless steel and alloy steel____ None shapes) ____Carbon steel (structural shapes) ___ Carbon steel (excluding structural
 - Copper and copper base alloys____ (11) Residential structure using copper pipe water distribution system per dwelling unit-Aluminum_____
 - Carbon steel (excluding structural new construction:

275, Carbon steel (structural shapes)_ 1,500 Stainless steel and alloy steel____ None 8 Copper and copper-base alloys ... shapes) ---Aluminum.

tem is installed the owner may use and self-authorize purchase orders for an additional he may use and self authorize purchase orders for an additional 500 pounds of copper 200 pounds of copper and copper-base alloys; and if a radiant heating system is installed Nores: If a forced hot water heating and copper base alloys

For alterations additions or extensions not more than 50 percent of the quantities specified above

tion project may self authorize his purchase orders in accordance with section 22 of Revised CMP Regulation No 6 up to the amounts specified in this appendix at any time: Provided houser, That such orders shall not call for deliver, prior to the appropriate dates specified in section 7 of Mote that an owner of a small constructhis direction

*Part A of this appendix does not apply to residential construction by or for the account of the Department of Defense or to construction of federally owned housing on federally owned property under the control the Atomic Energy Commission. No selfauthorization is permitted for such

Multiunit residential structures:
(1) Walk up structures per dwelling unit:
2 tons of carbon steel (not to include more than 500 pounds of all types of pounds of copper and copper base structural shapes)

(ii) Elevator structures per dwelling unit:
3 tons of carbon steel (not to include more than 600 pounds of all types of structural shapes) No aluminum ³ No stainless steel or alloy steel.

225 pounds of copper and copper base No aluminum 3 allovs

CONSTRUCTION OTHER THAN RESIDENTIAL No stainless steel or alloy steel CONSTRUCTION Department of Defense or the Atomio Energy Commission.
No self-authorization is permitted Recreational, entertuinment, and amusement construction for the ment construction for the self-authorization for the sel

ment construction (see Table I of Revised CMP Regulation No. 6): 64

Norz: These quantities are per project per quarter

more than 2 tons of all types of structural shapes).

500 pounds of copper and copper-base alloys v 5 tons of carbon steel (not to include No aluminum •

No stainless steel or alloy steel.

All other construction (see section 28 of Revised CMP Regulation No 6 for ex-

Nors: These quantities are per project per emptions): quarter

including all types of structural shapes (not to include more than 2½ tons of alloy steel and no stainless steel).*

5 000 pounds of copper and copper-base 25 tons of carbon steel and alloy steel

2 000 pounds of aluminum 6

* Effective May 1 1953, 275 pounds of alu-

minum per dweiling unit
*Effective May 1, 1953 300 pounds of aluminum per project, per quarter.
*In the construction of chemical plants
the owner may self-authorize 1 ton of stain-

less steel per project per quarter in addition to the quantities specified.

For 'industrial projects '4 000 pounds of aluminum per project, per quarter; and effective May 1, 1953 4 000 pounds of alumiper project, per quarter, for the cate-all other construction (section 1) nge gory

Regulation 1 and Rent Regulation 1953; Jan. 21 Filed. 53-824; Filed, 11:37 a. m.] Ö 田田田

Chapter XXI—Office of Rent Stabilization, Económic Stabilization Agency

[Rent Regulation j Correction to [Rent Regulation 2 Correction to Schedule A] Schedule A]

RR 1-Housing

RR 2-ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A-DEFENSE-RENTAL AREAS

of Amendment 86 to Schedule A of Rent Regulation 1 and Amendment 84 to Schedule A of Rent Regulation 2 is cor-Effective November 5, 1952 Item No 4 rected to read as forth below CORRECTION

(Sec 204 61 Stat 197 as amended; 50 U S O App Sup 1894)

Issued this 16th day of January 1953. JAMES MCI HENDERSON

area

4. Schedule A of Rent Regulations 1 and 2 are further amended by adding at the end the eof the following:

Director of Rent Stabilization

Notwithstanding the previous provisions of this Schedule A this regulation remains in effect for all housing accommodations under rent control on September 30 1962, and which continued under rent control beyond that date under the provisions of Eschon 204 (f) (i) of the act unless such housing accommodations are decontrolled under the provisions of the Act after September 30 1962

For such housing accommodations the maximum rent dates and effective dates of regulation remain the same as in effect on September 30 1952

딞 Jan F R Doc 53-709; Filled 8:54 a m [Rent Regulation 1 Amdt 117 to Schedule A] [Rent Regulation 2 Amdt 114 to Schedule A]

RR 2-ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS RR 1-Housing

AREAS SCHEDULE A-DEFENSE-RENTAL TOWA AND OHIO

January

Effective

f amended so that items 114b and 226 Schedule A read as set forth below

61 Stat 197 as amended; (Sec 204 61 5000) US C App Sup 1894)

Issued this 16th day of January 1953

Director of Rent Stabilization JAMES MCI HENDERSON

[Revoked and decontrolled] 226 [Revoked and decontrolled

Sioux City, Iowa and Canton Onto Defense-Rental Areas by reason of the joint determination and certification by tor of Defense Mobilization under section 204 (1) of the Housing and Rent These amendments decontrol all of the Act of 1947 as amended that the said Defense-Rental Areas are no longer inthe Secretary of Defense and the Direcoluded within a critical defense housing

2 Jan R Doc 63-699; Filled 8:52 a m] 뜨

[Rent Regulation 1 Amdt 38 to Schedule B]

RR 2-Rooms in Rooming Houses and [Rent Regulation 2 Amdt 38 to Schedule B] RR 1—Housing

SCHEDULE B—SPECIFIC PROVISIONS RELAT-ING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

OTHER ESTABLISHMENTS

Effective January 22, 1953 Rent Regu-2 are lation 1 and Rent Regulation amended as set forth below

Ö (Sec 204 61 Stat 197 as amended; 50 U S App Sup 1894)

Issued this 16th day of January 1953

Director of Rent Stabilization JAMES MCI HENDERSON

of Rent Regulation 1 are revoked and deleted: 2 3 5 6 7 18, 20 22 23 26 37, 46, 55 56 60 65, and 66 The following items of Schedule B

2 The following items of Schedule B of Rent Regulation 2 are revoked and deleted: 2 3 5 6 7 19, 20 24 26 28 31 51 60 66 71, and 72 Rent 2 are

3. At the end of item 17 of Schedule B of Rent Regulation 1 and item 23 of Schedule B of Rent Regulation 2, the following is added:

On November 5, 1952, the Town of Sanford (including the communities of Sanford and Springvale) in York County, Maine became a part of the Biddeford-Saco-Sanford Defensental Area (Item 1378 of Schedule A).

4. At the end of item 41 of Schedule B of Rent Regulation 1 and item 45 of Schedule B of Rent Regulation 2, the following is added:

On November 5, 1952, the Town of Ridgeley in Mineral County, West Virginia became a part of the Ridgeley Defense-Rental Area (Item 356c of Schedule A).

[F. R. Doc. 53-708; Filed, Jan. 21, 1953; 8:53 a.m.]

[Rent Regulation 3, Amdt. 113 to Schedule A] [Rent Regulation 4, Amdt. 55 to Schedule A]

RR 3-Hotels

RR 4-Motor Courts

SCHEDULE A-DEFENSE-RENTAL AREAS

VIRGINIA

Effective January 22, 1953, Rent Regulation 3 and Rent Regulation 4 are corrected so that Item 342 (c) of Schedule A reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 **U.S. C.** App. Sup. 1894)

Issued this 16th day of January 1953.

James McI. Henderson, Director of Rent Stabilization.

Name of defense-rental area	_ State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of reg- ulation
(342c) Newport News- Hampton.	Virginia	Independent cities of Hampton and Newport News; and the counties of WARWICK (now known as the Independent City of Warwick); ELIZABETH CITY (now added to and made a part of the Independent City of Hampton); and YORK.	Apr. 1,1931	Nov. 15,1951

[F. R. Doc. 53-698; Filed, Jan. 21, 1953; 8:52 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I-Veterans' Administration

PART 4—DEPENDENTS AND BENEFICIARIES
CLAIMS

CONTESTED CLAIMS

In § 4.55, paragraphs (b) (2) and (c) are amended to read as follows:

- § 4.55 Contested claims. * * * (b) Simultaneously contested claims.
- (2) If an appeal is timely filed and it is indicated that additional evidence is to be submitted, a period of 60 days (90 days in cases of claimants residing outside the continental limits of the United States) will be allowed for the submission of such evidence. This period may be extended not to exceed an additional 60 days (90 days in cases of claimants residing outside the continental limits of the United States) for good cause shown. Upon the filing of an appeal, the other claimant will be notified, and when all evidence to support the appeal has been submitted by the appellant, the other claimant will be notified of the substance thereof and allowed 30 days within which to file a brief or argument ın answer.
- (c) Contesting claim received after award is approved. When a claim by a contesting claimant is received after the approval of an award, the evidence will be reviewed to determine whether payments should be suspended. If suspension is approved, the payee will be informed and action will then be taken in accordance with the procedure outlined in paragraph (b) of this section for contested claims.

(Sec. 5, 43 Stat. 603, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective January 22, 1953.

[SEAL]

H. V. STIRLING, Deputy Administrator.

[F. R. Doc. 53-614; Filed, Jan. 21, 1953; 8:45 a. m.]

PART 21—VOCATIONAL REHABILITATION
AND EDUCATION

SUBPART E—VETERANS READJUSTMENT ASSISTANCE ACT OF 1952

MISCELLANEOUS AMENDMENTS

- 1. In'§ 21.2005 (a), a new subparagraph (14) is added as follows:
- § 21.2005 Definitions. (a) • (14) The terms "enroll" and "reenroll" whatever their form or reference, mean the actual commencement or re-commencement of and the active pursuit of the course or program under the provisions of the law.
- 2. In § 21.2010 (a) subparagraph (1) is amended to read as follows:
- § 21.2010 Entitlement to cducation or training generally. (a)
- (1) Had active service in the United States Army, the United States Navy, the United States Air Force, the United States Marine Corps, or the United States Coast Guard at any time during the basic service period, including members of the commissioned corps of the United States Public Health Service who performed active duty during the basic service period, under detail by proper authority, with the Army, the Navy, the

Air Force, the Marine Corps, or the Coast Guard of the United States;

- 3. In § 21.2011 (a) subparagraph (1) is amended to read as follows:
- § 21.2011 Determinations respecting active service requirements.
 (a) * * *
- (1) The original, an official carbon copy of the original, a certified copy, or a photostatic copy of DD Form 214, Report of Separation, showing discharge or release from active duty.
- 4. In § 21.2014 (c), subparagraph (1) is amended to read as follows:
- § 21.2014 Duration of veteran's education or training. * * *
- (c) Charges against and exhaustion of entitlement—(1) General. Charges against a veteran's period of entitlement-except where flight training is involved-will be made in terms of months and days for periods during which the veteran is carried in a training status. The period to be charged will be determined by subtracting the calendar date on which the veteran commenced training from the ending calendar date of the certified period of enrollment. If, after dates are expressed in months and days, it becomes necessary to "borrow" a month to permit a subtraction of days, 30 days will be considered a month. In order to account for both the beginning and ending dates of the certified period of enrollment, 1 day will be added to the result obtained. If an interruption or discontinuance occurs at a date prior to the ending date of the certified period of enrollment, such date of interruption or discontinuance will be substituted as the minuend in the subtraction made to determine the charge against the veteran's entitlement, and the necessary adjustments in the entitlement accounting record will be made, as appropriate. Where a program of education or training is pursued on a part-time basis, ¼, ½ or ¾ of the elapsed time in following such program of education or training will be charged against the veteran's period of entitlement. (A program of education or training which is pursued on a less than half-time basis will be considered to be pursued at one-quarter time for purposes of charges against entitlement.) A fraction of more than 1/2 day in the final result will be counted as 1 day. A fraction of ½ day or less will be disregarded. For the purpose of determining the aggregate maximum of 48 months training stipulated in paragraph (b) (2) of this section, all periods of entitlement time represented by charges against entitlement under other laws will be used except that in computing time expended in pursuit of training under Public Law 16, 78th Congress, as amended, or Public Law 894, 81st Congress, as amended, there shall be excluded the period for which subsistence allowance is payable after determination of employability. (Par. 3, Part VII, Veterans Regulation 1 (a), as amended.) (38 U. S. C. ch. 12.)

5. In § 21.2015 (c) subparagraph (3) is amended to read as follows:

§ 21.2015 Considerations training under other laws administered by the Veterans' Administration. *

(c) Educational and vocational guidance required for veteran's eligible under both Part VII, Veterans Regulation 1 (a) and Public Law 550, 82d Congress. * * *

(3) If the veteran, upon due notification, wilfully or through neglect, fails to report for educational and vocational guidance as required in subparagraphs (1) and (2) of this paragraph, or refuses to cooperate in the counseling procedure, his eligibility under Part VII will be forfeited.

6. In § 21.2030, paragraph (d) (1) (2) and (3) is amended and new paragraphs. (c) (1) and (d) (4) (5) and (6) are added as follows:

§ 21.2030 Selection of program. * * * (c) * * * *

(1) Educational and vocational guidance is not provided for veterans residing in foreign countries other than the Republic of the Philippines.

(d) For purposes of determining and identifying the objective to be attained through a program of education or training, the following criteria will be applied:

(1) Educational objective. An educational objective will be designated as-

(i) The completion of a unit course or

subject, or

(ii) The completion of an approved curriculum or curricula leading to the award of a diploma, degree, or certificate which indicates educational attainment as distinguished from certificates or licenses which indicate qualification to practice a trade or profession. The educational objective will be stated in terms of the highest diploma, degree, or certificate to be obtained, if the pursuit of more than one curriculum is involved in reaching the objective.

(2) Professional or vocational objective. A professional or vocational obsective will be designated in terms of an occupation normally pursued as a means of earning a livelihood for which an eligible veteran desires to prepare himself or in which he desires to improve his chances for success or advancement.

(3) Relationships of objectives. An educational objective may be designated without specific indication of its relationship to a professional or vocational goal or objective. When a professional or vocational objective is designated, however, it may be held to include such educational objectives as may be essential to the attainment of the professional or vocational objective. Any program consisting of a series of courses not leading to an educational objective, as defined in subparagraph (1) of this paragraph, must be related directly to the attainment of or advancement in a professional or vocational objective, and in such cases the professional or vocational objective must be designated.

(4) Refresher training courses. Since the law provides that a veteran may not be afforded a program of education or training leading to an objective for which he is already qualified, repetition

of courses previously pursued or refresher training will not be approved. Any program or course in the vocational or professional field for which the veteran is already qualified will be considered a repetition of the course previously pursued or as refresher training, neither of which may be approved, unless such program or course is necessary for attainment of:

(i) An educational objective consisting of the completion of a single unit course or subject which the veteran has not already completed, as set forth in subparagraph (1) (i) of this paragraph, or

(ii) An educational objective consisting of the completion of an approved curriculum or curricula leading to the award of a diploma, degree or certificate beyond that which the veteran has already attained as set forth in subparagraph (1) (ii) of this paragraph, or

(iii) A vocational or professional objective consisting of the completion of an approved course, courses or curriculum leading to, or for which credit is awarded toward, a specific field of specialization or an advanced license, certificate or diploma within the vocational or professional field for which the veteran is already qualified as set forth in subparagraph (2) of this paragraph.

(5) Internships. (i) The professional objective of a veteran who is to pursue a medical internship will be physician (M. D.) except for the veteran who at the time of enrolling in an internship specifies that his total course is for a hamed specialty. For example, pediatrician, surgeon, specialist in preventative medicine, etc.

(ii) The professional objective of a veteran who is to pursue an internship in osteopathy will be physician (D. O.) except for the veteran who at the time of enrolling in an internship specifies that his total course is for a named specialty. For example, pathologist, surgeon, obstetrician, etc.

(6) Residencies—(i) Medical. (a)Where the residency course leads to certification by a specialty board the professional objective will be that named specialty for which the board has established standards, for example, ortho-pedic surgeon, pathologist, specialist in physicial medicine and rehabilitation, etc.

(1) Since specialty boards for the specialities of ophthalmology and thoracic surgery have not established and published in their requirements for certification the required length of residencies in those specialities, benefits will not be authorized to a veteran enrolled in such residency courses until there has been received a written statement from the Council on Medical Education and Hospitals of the American Medical Association certifying the length of the residency approved by such council for the particular hospital at which the yeteran will pursue his course.

(b) Where the residency course leads to certification by a hospital approved by the Council on Medical Education and Hospitals of the American Medical Association (a certificate issued upon completion) in the specialty of contagious diseases, malignant diseases and occu-

pational medicine, the professional objective will be that main specialty for which the veteran is enrolled and for which the hospital has been approved by the council.

(1) Since there are no specialty boards to establish and publish requirements for certification including the required length of the residency, benefits will not be authorized to a veteran enrolled in such residency courses until there has been received a written statement from the Council on Medical Education and Hospitals of the American Medical Association certifying (i) as to the length of the approved residency at the particular hospital in which the veteran will enroll and (ii) that the hospital does issue a certification of completion.

(c) Where the residency course leads to certification by a hospital approved by the Council on Medical Education and Hospitals of the American Medical Association (a certificate issued upon completion) in general practice, the objective will be "certified general practitioner.

(1) Since there is no specialty board to establish and publish requirements for certification including the required length of the residency, benefits will not be authorized to a veteran enrolled in such residency course until there has been received a written statement from the Council on Medical Education and Hospitals of the American Medical Association certifying (i) as to the length of the approved residency at the particular hospital in which the veteran will enroll and (ii) that the hospital does issue a certification of completion.

(ii) Osteopathy. (a) The professional objective of a veteran who is to pursue a residency course in osteopathy will be that named specialty for which certification is given by the appropriate American Osteopathic Specialty Board,

7. In § 21.2031, paragraphs (a) (4) and (b) (4) are amended to read as follows:

Applications; § 21.2031 approval-(a) Application, * *

(4) An application for a program of institutional on-farm training, must be accompanied with a detailed outline of the veteran's individual program as planned for him by the school and approved specifically for him and in his individual case by the State approving agency. The individual program shall include the name of the objective and the length of the program, together with a certification by a responsible official of the school which is to offer such program that the program as planned satisfies all the requirements of § 21,2202. In addition, the veteran must submit to the Veterans' Administration acceptable evidence to establish that he is assured of control of the farm or other agricultural establishment until the completion of his program and must certify that the farm and training program will occupy his full time. No action will be taken to approve an application for a program of institutional on-farm training unless and until all of the provisions of this subparagraph have been satisfied.

(b) Approval of application; certificate for education and training. * *

(4) No application will be approved and no Certificate for Education and Training will be issued in any case where it is not clearly established that all the provisions of Public Law 550, 82d Congress, are fully satisfied, including the provision that no application shall be approved for an eligible veteran who is already qualified by reason of previous education and training for the educational, professional, or vocational objective for which the courses of the program of education and training are authorized. It will be considered that the veteran is already qualified for the objective for which his course is offered and the Veterans' Administration will disapprove his application when:

(i) The veteran applying for institutional, trade or technical course offered on a clock-hour basis below college level involving shop practice as an integral part thereof (all objectives in this cate-

gory being vocational)

(a) Has previously completed a course in such school for the same occupation as that for which he now requests train-

(b) At any time in the past has been employed as a qualified workman in the trade for which he requests training at a level equal to or above that to which the requested course will train him;

(c) Has completed an apprenticeship or a course of other training on the job which is regarded as qualifying him for the desired objective at either the locality where he completed the training or where he desires to pursue training.

(ii) The veteran applying for an institutional course offered on a clock-hour basis below collegiate level in which theoretical or classroom instruction

predominates:

(a) Has previously completed a high school or a preparatory school course for which a diploma or certificate was awarded and now applies for training for an educational objective below collegiate level. However, completion of such a course will, not preclude approval of an application for a course below collegiate level leading to a vocational objective for which the veteran is not already qualified; nor will it preclude the pursuit of additional high school subjects necessary to enable the veteran to enroll in and pursue a collegiate course;

(b) Has previously completed a course for a vocational objective and now requests approval of a course for the same objective, or for a different objective for which the course completed clearly qualifies him. For example, the veteran completed a course in a business school for objective, bookkeeper, or the objective, accountant, and now requests approval for an institutional course in bookkeeping. However, such veteran will not be denied an advanced course in such a school. For example, the veteran who has completed a course in bookkeeping will not be denied a course leading to the objective, accountant, in such a school;

(c) In the past was employed as a qualified workman in a job for which the school course he requests is designed to qualify the individual who completes it:

(d) Has completed an apprenticeship or a course of other training on the job which is customarily accepted as qualifying for the objective for which he now requests training.

(iii) The veteran applying for an accredited institutional course:

(a) Has previously completed in a college or university a course to the bachelor's degree and now requests approval for an undergraduate collegiate course as an educational objective. This will not preclude the pursuit of an undergraduate course for a vocational or professional objective where the veteran submits information justifying the course he requests in terms of a vocational or professional objective. For example, a veteran who has previously completed a course in a college or university school of liberal arts to a bachelor's degree may not pursue under this Law a course for an undergraduate educational objective. However, such a veteran upon submitting evidence to justify approval of a vocational objective (for example, evidence that he intends to-follow a specified occupation and the desired course clearly will qualify the veteran to follow that occupation) may pursue an undergraduate course for the vocational objective, provided full credit is given for applicable previous training.

(iv). The veteran applying for an apprentice course or a course of other training on the job is already qualified under the standards specified in

§ 21.2201 (b) (10) (i)

(v) The veteran applying for an institutional on-farm course:

(a) Is now successfully operating or, in the reasonable past, has conducted a successful farm operation similar in character to that for which the institutional on-farm course is designed to qualify him;

(b) Has attended a school which provided him instruction in practical agriculture to an extent substantially equal to the instruction that is known to be available in the proposed institutional on-farm course at the particular school or under the particular instructor;

(c) Has been employed as a teacher of similar subject matter.

8. In § 21,2032 (a) subparagraph (1) and subdivision (iii) are amended to read as follows:

§ 21.2032 Change of program—(a) General. • •

(1) An eligible veteran may make one change of program upon request prior to his delimiting date: Provided, That if the program previously initiated has been interrupted or discontinued due to his own misconduct, neglect, or lack of application, he may not be provided any additional education or training. For purposes of determining whether interruption or discontinuance of education or training was due to the veteran's own misconduct, neglect, or lack of application, a report will be obtained from the institution or establishment setting forth the reasons for the interruption or discontinuance. If the institution reports that the veteran's conduct and progress were satisfactory at the time of discontinuance or interruption the

requested change of program will be granted if otherwise in order.

(iii) When it has been determined that the interruption or discontinuance was not due to misconduct or neglect. as defined for purposes of this section, the matter of lack of application will be for consideration, if the veteran's progress was unsatisfactory. In all such cases wherein there has been unsatisfactory progress in the previous program except as to a veteran residing in a forelgn country other than the Republic of the Philippines, the veteran will be scheduled by the Veterans' Administration for educational and vocational guidance. If it is determined through educational and vocational guidance that the veteran's aptitudes and abilities are such that successful pursuit of the program previously initiated might reasonably have been expected, failure to make saitsfactory progress in such program will constitute evidence of lack of application on the part of the veteran. and further education or training under the Law in the absence of other satisfactory evidence to explain such failure will be denied. If it is determined through educational and vocational guidance that the aptitudes and abilities of the veteran are such that satisfactory progress in the program previously imtiated could not reasonably have been expected, a change of program may be approved provided the objective and program selected are determined to be in keeping with the aptitudes, abilities, and interests of the veteran.

9. In § 21.2051, the introduction of paragraph (f) is amended to read as follows:

§ 21.2051 Conditions governing payment of education and training allowance.

(f) For courses pursued on a clockhour basis on a schedule of 5 or 6 days per week, the maximum number of absences for which an education and training allowance may be paid is 30 days in a 12-month period. Therefore, where a course is pursued on a schedule of less than 5 days per week, the maximum number of absences for which an education and training allowance may be paid is that pro rata part of 30 days which the number of days per week of training bears to 5. For courses which are approved under § 21.2204 as nonaccredited courses but which are measured on the basis of standard units of credit under the conditions prescribed in § 21.2066 (d) maximum allowable absences will be computed on the same basis. Absences of full days will be reported by the veteran on and as prescribed by VA Form 7-1996b. school will convert absences of less than a full day to full days as prescribed in this paragraph and report such absences on VA Form 7-1996b as follows: Where the course is pursued on a clock-hour basis the average number of hours of attendance per day will be computed by dividing the total required hours of attendance per week by the number of days in the week on which attendance is required by the veteran. Where the

course is pursued on a semester credit basis, the average number of standard class sessions per day will be computed by dividing the number of standard units of credit for which the veteran is registered by the number of days per week on which classes are scheduled. The total hours of absence will be converted to full days of absence by dividing such total by the average number of required hours of attendance per day for clock-hour courses or by the average number of standard class sessions per day for credit-hour courses. An absence of less than an hour will be counted as a full hour of absence. When the total hours of absence have been converted to days of absence a fraction of ½ day or less will not be reported. If the fraction is greater than ½ day it will be reported as an additional full day of absence.

10. In § 21.2052, paragraphs (c) (1) and (d) (1) are amended to read as follows:

§ 21.2052 Rates of education and training allowances. * * *

(c) On-the-job training. (1) The education and training allowance for an eligible veteran pursuing apprentice or other training on the job shall be computed at the rate of \$70 per month, if he has no dependent, or \$85 per month, if he has one dependent, or \$105 per month. if he has more than one dependent, except that his basic rate of education and training allowance shall be reduced at the end of each 4-month period as his program progresses by an amount which bears the same ratio to the basic education and training allowance as 4 months bears to his originally approved certified period of enrollment in the course under this Law (except as modified in subparagraph (2) of this paragraph), but in no case shall the education and training allowance be authorized under this subparagraph in an amount which, when added to the monthly compensation to be paid to the veteran for productive labor performed as part of his course in accordance with his approved training program, would exceed the rate of \$310 per month.

(i) If a veteran terminates his program of apprentice or other on-the-job training and is approved for a change to a different program of apprentice or other on-the-job training he shall receive the basic rate of education and training allowance, and the 4-month periodic reduction shall commence at the end of the first 4-month period of the new program, and for each 4-month period thereafter.

(d) Institutional on-farm training.

(1) The education and training allowance of an eligible veteran pursuing institutional on-farm training shall be computed at the rate of \$95 per month, if he has no dependent, or \$110 per month, if he has one dependent, or \$130 per month, if he has more than one dependent, except that his education and training allowance shall be reduced at the end of each 4-month period as his program progresses by an amount which

bears the same ratio to \$65 per month, if the veteran has no dependent, or \$80 per month, if he has one dependent, or \$100 per month, if he has more than one dependent, as 4 months bears to his originally approved certified period of enrollment in the course under this Law (except as modified in subparagraph (2) of this paragraph)

11. In § 21.2054, paragraph (a) is amended to read as follows:

§ 21.2054 Effective beginning dates of entrance or reentrance into training and for payment of education and training allowance. (a) The effective beginning date for the payment of education and training allowance will be the date of recent of application therefor in the Veterans' Administration, or the date of entrance or reentrance into training as certified by the institution or establishment on VA Form 7-1999, or the date of the approval of the course by the appropriate approving agency, whichever is the later. Effective January 1, 1953, the date of the approval of the course by the appropriate approving agency shall be the effective date specified by the approving agency in its notice of approval if such notice of approval is received by the Veterans' Administration not later than 30 days after the effective date specified therein by the State approving agency. Where the notice of approval is not received by the Veterans' Administration within 30 days from the effective date set forth in the notice of approval, the date of approval for the purpose of this paragraph shall be the date notice of approval is received by the Veterans' Administration Subject to the foregoing provisions where the application is filed with or through an educational institution or training establishment, the effective date for the commencement of benefits by virtue of such application shall be the date certified by the institution or establishment as the date of the commencement of the training, if such application is received by the Veterans' Administration within 15 days following the date of such commencement of training.

12. Section 21.2057 is revised to read as follows:

§ 21.2057 Duplication of benefits. No eligible veteran shall be paid an education and training allowance under Publice Law 550, 82d Congress, for any period during which he is enrolled in and pursuing a course of education or training paid for by the United States under any provision of law, other than this Law, where the payment of such allowance would constitute a duplication of benefits paid to the veteran from the Federal Treasury. Where the veteran is enrolled in-a program of education or training and is the recipient of a grant or fellowship or is appointed as a trainee or student under any program where the payment to the veteran is for the specific purpose of providing an allowance for either living expenses or tuition, or both, and derives in whole or in part from funds appropriated from the Federal Treasury and granted or administered by other Federal Agencies. the veteran cannot concurrently receive the benefits of this Law and other Federal benefits which would constitute a duplication. Thus, a veteran participating in-the U.S. Martime Commission training program, or receiving a fellowship from the Atomic Energy Commission, or the Public Health Service, could not concurrently receive education and training allowances under this Law. This section does not bar payment of an education or training allowance to a student enrolled in a landgrant college which is receiving Morrill-Nelson and Bankhead-Jones funds, nor to a student enrolled in a vocational training course conducted under the act of February 23, 1917, as amended (39 Stat. 927) or the Vocational Education Act of 1946, nor to a veteran who is enrolled in an educational institution and participating in the ROTC programs of the Army or contract NROTC plan of the Navy, nor to a veteran participating in an on-the-job training program in a Government establishment, such as a navy yard, nor to a veteran receiving benefits under Public Law 584, 79th Congress (Fulbright Act) It does preclude payment of an education and training allowance under this Law to a student participating either in the program provided under Public Law 729, 80th Congress (62 Stat. 566) or in the program provided under Public Law 51. 82d Congress (65 Stat. 75)

13. In § 21.2066, paragraphs (a), (b) (2) (d) (g) and (h) are amended, and new paragraphs (j) through (o) are added as follows:

§ 21.2066 Measurement of full- or part-time courses—(a) Institutional trade or technical courses. (1) Institutional trade or technical courses offered on a clock-hour basis below the college level, involving shop practice as an integral part thereof offered by any kind of an institution, and an institutional trade or technical course involving shop practice as an integral part thereof offered by a collegiate institution but for which credit is not given toward a standard collegiate degree, shall be measured as follows:

(i) Full time: A minimum of 30 hours per week of required attendance with not more than 2½ hours rest periods per week and required attendance for not fewer than 5 days per week.

(ii) Three-fourths time: (a) 30 hours per week of required attendance with not more than 2½ hours rest periods per week and required attendance of fewer than 5 days per week; or

(b) Less than 30 hours but not less than 22 hours per week of attendance required with not more than 2 hours of rest periods per week.

(iii) One-half time: Less than 22 but not less than 15 hours per week of attendance required with not more than 1½ hours of rest periods per week.

(iv) Less than one-half time: Less than 15 hours per week of required attendance.

(2) In a school that grants rest periods in part-time courses, the aggragate time per day devoted to such rest periods shall not exceed the rate of 5 minutes per hour of attendance, and the payment of training allowance will be consistent with the basic requirements for full-time training.

(3) A "trade or technical course offered on a clock-hour basis below the college level, involving shop practice as an integral part thereof," shall be considered to include only courses of training for occupations which are customarily learned through apprenticeships or other training on the job, i. e., the skilled, semiskilled, and unskilled occupations as listed under first digits 4 through 9, inclusive, and the personal service occupations listed under digits 2-26 through 2-32, inclusive, in the second edition of the Dictionary of Occupational Titles, dated March 1949.

(b) Academic courses below college level on a clock-hour basis. * * *

(2) Three-fourths time: (i) 25 hours per week net of instruction, exclusive of shop practice periods and any rest periods, but not excluding regularly scheduled laboratory periods or supervised study periods or customary 5- or 10-minute intervals between classes for the purpose of changing student or teacher stations as required by the school, and attendance required for fewer than 5 days per week, or

(ii) Less than 25 hours but not less than 18 hours per week net of required

instructions.

- (d) Institutional undergraduate course recognized for credit toward a standard college degree. (1) An undergraduate course in a collegiate institution which uses a standard unit of credit and which is a member of a nationally recognized accrediting association or although not a member of a nationally recognized accrediting association grants standard units of credit which are acceptable at full value and without examination or other condition by at least three members of such associations, will be measured in terms of the number of credit hours for which the veteran is enrolled for the term as provided in subparagraph (3) of this paragraph including, as provided in subparagraph (6) of this paragraph, the credit-hour equivalent of non-credit courses, if any, required by the institution.
- (2) A veteran pursuing an undergraduate course in a collegiate institution which meets the criteria set forth in subparagraph (1) of this paragraph will be considered to be pursuing a course on a credit-hour basis measured as to full time or part time as defined in this paragraph when:

(i) The course is offered by a degree granting college or university for which course standard units of credit are granted toward a standard college de-

gree, or

(ii) The course is a terminal course which does not lead to a standard college degree but is measured in standard credit hours the majority of which are acceptable at full value toward a standard college degree by the degree granting elements of the institution offering the course or by other degree granting institutions which meet the criteria of subparagraph (1) of this paragraph.

(3) Courses referred to in subparagraphs (1) and (2) of this paragraph when of regular semester, term, or quarter duration will be measured as follows:

(i) Full time: A minimum of 14 semes-

ter hours or the equivalent.

(ii) Three-fourths time: Less than 14 semester hours or the equivalent but not less than 10 semester hours or the equivalent.

(iii) One-half time: Less than 10 semester hours or the equivalent but not less than 7 semester hours or the equivalent.

(iv) Less than one-half time: Less than 7 semester hours or the equivalent.

- (4) Where the course described in subparagraphs (1) and (2) of this paragraph is of less than a regular semester, term, or quarter duration, the course will be measured as full-, 34- ½-, or less than ½-time training according to the certification of the institution. In making such certification, the institution shall state the number of credithours for which the veteran is registered including, as provided in subparagraph (6) of this paragraph, the credithour equivalent of non-credit courses, if any, required by the institution and will be required to observe the following criteria.
- (i) Full time: The number of credit hours for which the veteran must be registered in order to be considered pursuing full-time training is that number which requires at least 14 standard class sessions of attendance per week or the equivalent in laboratory or field work, research, or other types of prescribed activity. For example: A veteran pursuing a short summer session requiring attendance at 14 standard class sessions per week will be considered to be in full-time training although because of the very short duration of the course he may be registered for only three credit hours.

(ii) Three-fourths time: Less than 14 class sessions of attendance per week or equivalent but not less than 10.

(iii) One-half time: Less than 10 class sessions of attendance per week or equivalent but not less than 7.

(iv) Less than one-half time: Less than 7 class sessions of attendance per

week or the equivalent.

(5) Where the course described in subparagraphs (1) (2) and (3) of this paragraph is acceptable for credit but credit may not be awarded to the veteran-student because he has not metollege entrance requirements or for some other valid reason, the course will be measured the same as if it were pursued for credit provided the veteran performs all of the work prescribed for other students who are enrolled for credit.

(6) Where the veteran is required by the institution to pursue non-credit deficiency courses in order to meet certain scholastic or entrance requirements, the credit-hour equivalent of such non-credit deficiency courses as certified by the institution will be added to the credit hours for which the veteran is enrolled to determine whether the veteran is enrolled for full- ¾-, ½- or less than ½-time training: Provided, That in no case will a veteran who is enrolled for less

than 12 hours credit in addition to the non-credit deficiency courses be considered in full-time training, for less than 9 hours credit in addition to the non-credit deficiency courses be considered in ¾ time training, or for less than 6 hours credit in addition to the non-credit deficiency courses be considered in ½ time training.

(g) Apprentice or other training on the job. A course of apprentice training or other training on the job shall be measured as follows:

(1) Full time: The number of hours which constitute the standard workweek of the establishment at which the training is pursued, but not less than 36 hours of required attendance per week, except that full-time training shall be not more than the hours established as the standard workweek for the particular establishment through bona fide collective bargaining between employers and employees.

(h) Cooperative course. (1) The course referred to and authorized in Public Law 550, 82d Congress, as consisting of institutional courses and on-the-job courses, and as further defined and described in § 21.2205, shall be measured as full time, when the school portion measures full time under either paragraph (b) (1), (c) (d) (3) (i), (d) (4) (i) or (d) (6) of this section and a responsible official of the school offering the course certifles to the Veterans' Administration that the establishment offering the onthe-job portion will require of the veteran not less than 36 hours per week of attendance in training, except where, in a particular establishment, less than 36 hours per week have been established as the standard workweek through bona fide collective bargaining between employers and employees, and the official further certifies that the on-the-job portion meets the other criteria stated in § 21.2205 (a) (1), (3) (4) and (5).

٠ (i) Concurrent enrollment. The purposes of the act may be met by concurrent enrollment and attendance in two educational institutions when the veteran's complete program of education or training is not available at the training institution in which the veteran will pursue the major portion of his program, or where although available it cannot be successfully scheduled within the period in which the veteran plans to complete his program. Where the standards for determination of the extent of training in the two institutions are dissimilar, the extent of the course will be determined by converting (in accordance with the principles expressed in § 21.104 (c) the measurement of training in the second institution to its equivalent in value to the measurement required for full-time training in the first institution, e.g., institutional training on a clock-hour basis converted to its equivalent in value to semester hours of credit will be .56 semester credits (14--25) or .46 semester credits (14-.-30) as applicable, for each clock hour of attendance. Periodic certifications of training prescribed by § 21.2303 will be required from the veteran and each of the institutions

where concurrent enrollment in two institutions is approved.

- (k) Internship courses. (1) Medical internship courses will be considered fulltime institutional courses when they have been accredited and approved by the Council on Medical Education and Hospitals of the American Medical Association and for such length as the council has approved for the particular internship course at the particular hospital.
- (2) Osteopathic internship courses will be considered full-time institutional courses when they have been accredited and approved by the American Osteopathic Association and for such length as the association has approved for each particular internship at the particular hospital.
- (3) No other medical or osteopathic internship courses will be recognized for the payment of education and training allowances, since the completion of any other internship courses is not recognized by the profession as qualifying a person for the practice of the profession.
- (1) Residency courses. (1) Medical residency courses will be considered fulltime institutional courses when (i) such courses have been accredited and approved by the Council on Medical Education and Hospitals of the American Medical Association as standard residencies and (ii) such courses lead to a certification by a specialty board or, for those residences where there is no specialty board, to certification by a hospital approved by the Council on Medical Education and Hospitals of the American Medical Association and (iii) the length of the course is not in excess of the number of months prescribed for the residency training by the appropriate specialty board or by the Council on Medical Education and Hospitals of the American Medical Association.
- (2) Osteopathic residency courses will be considered full-time institutional courses when they have been accredited and approved by the American Osteopathic Association and for such length as the appropriate specialty board of the association has approved for each particular residency course.
- (3) No course of residency training will be approved to include a period of practice, following completion of a required residency, even though such practice is required or accepted by a specialty board to fulfill board requirements. Further, where an eligible veteran after completing an internship prerequisite to residency training has pursued any additional training, whether through internship, fellowship or other graduate or postgraduate study that is creditable toward residency requirements, the residency course must be proportionately shortened.
- (4) Education and training allowance will not be paid to a veteran enrolled in any other medical or osteopathic residency course.
- (m) Registered nursing and registered professional nursing courses. (1) Nursing courses for the objective of registered nurse or registered professional nurse will be considered institutional training for the purposes of paying education and training allowances whether such

- schools of nursing, hospital schools of nursing, or schools of nursing established in other schools or departments of colleges and universities: Provided, That the course is either an accredited course pursued in a school which has been approved and accredited by a nationally recognized accrediting agency or association, or as a nonaccredited course which meets the requirements of the licensing body of the State in which the school is located for licensing registered or registered professional nurses.
- (2) Education and training allowance will not be paid to a veteran enrolled in any other course for the objective of registered or registered professional nurse.
- (n) Practical nursing courses. Courses which lead to the objective of practical nurse, practical trained nurse or licensed practical nurse offered by schools will be considered institutional training for the purpose of computing education and training allowances, to include both the academic subjects and the clinical training: Provided, That the clinical training is offered in an affiliated or cooperating hospital and the student is enrolled in and supervised by the school during the period of such clinical training. For the academic portion of the course measurement will be in semester hours of credit or clock hours of required attendance per week, which-ever is appropriate. The clinical train-ing will in each case be measured in clock hours of required attendance per week.
- (2) Courses for the objective of nurse aide may not be recognized for the purpose of paying an education and training allowance.
- (o) X-ray technician, medical technician, medical records librarian and physical therapist courses. X-ray technician, medical technician, medical records librarian and physical therapist courses will be considered institutional training for the purpose of computing education and training allowances when they have been accredited and approved by the Council on Medical Education and Hospitals of the American Medical Association and will be measured in semester or clock hours as appropriate.
- (1) Education and training allowance will not be paid to a veteran enrolled in any other course for the objective of X-ray technician, medical technician, medical records librarian or physical therapist.
- 14. Section 21.2153 is revised to read as follows:
- § 21.2153 Reimbursement of expenses under Public Law 550, 82d Congress-(a) General. If a State or local agency desires to be paid for rendering the service contemplated by the law, contracts or agreements will upon submission of a request for a contract together with the information prescribed in paragraph (e) of this section be negotiated with State agencies to pay for the reasonable and necessary expenses of salary and travel incurred by employees of such agencies in:
- (1) Rendering necessary services in ascertaining the qualifications of educational institutions and training estab-

- courses are provided in autonomus lishments for furnishing courses of training to eligible veterans under Veterans' Administration Regulations, and in the supervision of such educational institutions and training establishments. Supervision for which reimbursement may be made will consist of those services which are required in determining that the courses of education and training are being furnished in accordance with the criteria set forth in the law or prescribed by the State approving agencies pursuant to the law and upon which the original approval was granted, and of those services required in disapproving any courses which fall below the established criteria.
 - (2) Furnishing any other services in connection with the law as may be requested by the Administrator.
 - (b) Reimbursement. Reimbursement will be made for the expenses incurred in rendering the following necessary services:
 - (1) Accredited courses. Reimburse-ment for services rendered in the approval of accredited courses under the provisions of section 253 of the law will be limited to the necessary salary and travel expenses incurred in the inspection of such courses for approval, processing the applications submitted by the institutions, and furnishing notices of approval as provided in § 21.2207. Reimbursement will be provided for one supervisory visit each year to institutions which offer approved courses as provided in this subparagraph.
 - (2) Nonaccredited courses. bursement of salaries and travel expenses will be provided for services in connection with the inspection, approval, and supervision of nonaccredited courses approved under section 254 of the law. However, services in connection with the supervision of non-accredited courses which are offered by collegiate institutions or by public taxsupported institutions below the college level, where such courses are a part of the regularly established programs of such institutions, will not be required except on a selective basis.
 - (3) Institutional on-farm training courses. Section 21.2202 requires that each individual course of institutional on-farm training be approved by the appropriate State approving agency prior to the award of benefits by the Veterans' Administration to the eligible veteran enrolled therein. Reimburse-ment of salaries and travel expense will be provided by the Veterans' Administration to the appropriate State approving agency for the necessary services in connection with the inspection, approval, and supervision of on-the-farm training courses for the individual veteran enrolled under this law. Reimbursement will be provided for the expenses of supervision visits twice each year to classes in which veterans are enrolled and to include visits to the individual farms of 10 percent of the veterans enrolled under this law at the time of such supervisory visits. No reimbursement will be provided to the State approving agency for the expenses incurred in the inspection, approval, and supervision of the individual institutional on-farm training courses where the State is in fact the

institution providing the instruction. Neither will reimbursement be made for the expenses of approval of such courses where the State approving agency accepts the findings of local authorities without a physical inspection being made by an employee of the agency of the veterans individual program and farm.

(4) Correspondence courses. Reimbursement will be provided for expense incurred in the inspection, approval, and supervision of correspondence courses on the same basis as other courses approved under section 253 or 254 of the law, depending upon whether such correspondence courses are approved as accredited or nonaccredited.

(5) On-the-job and apprentice training courses. The law does not authorize the Veterans' Administration to reimburse a State or Federal agency for expenses incurred by such agency which are in connection with duties normally a function and responsibility of the State or Federal Government or agency thereof and which would normally be per-o formed without reference to the veterans' program. Except as provided in this subparagraph, State approving agencies will be reimbursed for necessary salaries and travel expense in connection with the inspection, approval, and supervision of establishments offering apprentice or other on-the-job training courses to veterans enrolled under this law and for furnishing at the request of the Veterans' Administration any other services in connection with Title II of this law. Except as provided in this subparagraph, the Veterans' Administration may not provide reimbursement to a State or Federal agency for the expenses incurred in the physical inspection or supervision of courses of apprentice training where such courses are registered with and are under the supervision of either a State apprenticeship agency or the Federal bureau of apprenticeship. Where the designated State approving agency is the State apprenticeship council or apprenticeship agency authorized to approve apprenticeship programs, reimbursement for services in connection with registered programs will be made:

(i) For the clerical salary expense incurred in processing the applications submitted by training establishments and furnishing notices of approval as provided in § 21.2207.

(ii) For necessary salary and travel expense of regular employees where the Veterans' Administration requests that special visits be made to training establishments offering veteran training.

(c) Reimbursable expenses—(1) Salaries. Salaries for which reimbursement may be authorized under contract shall not be in excess of the established rate of pay for other employees of the State having comparable or equivalent duties and responsibilities and shall further be limited to the actual salary expense incurred by the State. No reimbursement may be authorized for expenses incurred by any individual who is not an employee of the State approving agency.

(2) Travel. Travel expenses for which reimbursement may be authorized under contract shall be determined on the basis of expenses allowable under applicable

State or agency and shall be for travel actually performed by employees specified under the terms of the reimbursement contract. Reimbursement for travel will be provided only to cover actual expenses for transportation, meals, lodging, and local telephone calls, or the regular per diem allowance in lieu thereof. In claiming reimbursement for travel expenses authorized under the terms of a contract, all claims for such travel expenses must be supported by factual vouchers and all transportation allowances must be supported by detailed claims which can be checked against work assignments in the office of the State approving agency. Reimburse-ment will be made for expenses of attending out-of-State meetings and conferences only where such travel is performed upon prior approval and at the request of the assistant administrator for vocational rehabilitation and education.

(d) Nonreimbursable expenses. Reimbursement will not be provided under reimbursement contracts for:

(i) Expenditures other than salaries and travel of personnel required to perform the services specified in the contract and Veterans' Administration Regulations.

(ii) Supplies, equipment, printing, postage, telephone services, rentals, and other miscellaneous items or services furnished directly or indirectly.

(iii) The salaries and travel of personnel when they are engaged in activities other than those in connection with the inspection, approval, or supervision of educational institutions and on-thejob training establishments, except as provided in paragraph (c) (2) of this section.

(iv) The supervision of educational institutions or training establishments which do not have veterans in training under the law.

(v) Expenses incurred in the administration of an educational program which are costs properly chargeable as tuition costs, such as the development of course material or individual training programs, teacher training or teacher improvement activities, expenses of coordinators, or administrative costs, such as those involving selection and employment of teachers. (This does not preclude reimbursement for expenses of the State agency incurred in the development of standards and criteria for the approval of courses under the law.)

(vi) Expenses of a State approving agency for inspecting, approving, or supervising courses where such agency is responsible for establishing, conducting, and supervising the courses approved.

(vii) Any expense for supervision or other services to be covered by contract which are already being reimbursed or paid from tuition funds under this law or Public Law 346, 78th Congress, as amended.

(e) Workload justification. The variation in services to be furnished by the individual States and the variable factors in the determination of reasonable and necessary expenses in the operation of the different State approving agencies

State laws or travel regulations of the will be considered in determining the reimbursement to be afforded the State agencies under the law. A request by a State approving agency for reimbursements under the law shall be accompanied by a justification of its requirements which shall include: A statement as to the services to be rendered; the proposed plan of operation; the specific duties and responsibilities of all personnel for which reimbursement of salaries and travel expense is required; and an evaluation of the estimated workload justifying the number of personnel for which reimbursement of salaries and travel expenses is to be required during the period to be covered by the contract.

(1) Personnel requirements for which reimbursement is to be provided will be determined on the basis of estimated workloads as agreed upon between the Veterans' Administration and the State agency and work measurement factors established or to be established, by the Veterans' Administration in collaboration with the Office of Education. Such work measurement factors will be subject to constant review and, where necessary, adjustment by the Veterans' Administration.

(2) Estimated workloads will be determined upon three factors: (i) Inspection and approval visits, (ii) Supervisory visits, and (iii) Special visits at request of the Veterans' Administration or for adjustment purposes as required by the State agency.

(f) Contract compliance. Reimbursement under each such contract or agreement shall be conditioned upon compliance with the standards and provisions of the contract and the law.

(1) If it is established that the State has failed to comply with the standards and provisions of the law and with the terms of the reimbursement contract between the State and the Administrator, the manager shall withhold reimbursements for claimed expenses under the contract. All such matters shall be reported to the assistant administrator for vocational rehabilitation and educa-

15. In § 21.2201 (b) subparagraphs (2) and (9) are amended, subparagraph (10) (i) (c) (1) is revoked and former subdivision (2) is redesignated (1) so that subparagraph (10) (i) (c) reads as follows:

§ 21.2201 Approval of courses of apprentice or other training on-the-job.

(b) Criteria for approval. * * *

(2) There is reasonable certainty that the job for which the eligible veteran is to be trained will be available to him at the end of the training period. Where the course, whether offered by an employer or by a joint apprentice committee, is to be pursued in one employer's establishment, this criterion requires assurance from the employer-trainer that he has such a job in his establishment and that, except for unforeseeable eventualities or unsatisfactory conduct or progress on the part of the veteran, he will appoint the veteran to that job upon the completion of the course. Where the course is offered by a joint apprentice committee and the trainee

will be employed by several employers successively, the above criterion requires that, except for unforeseeable eventualities or unsatisfactory conduct or progress on the part of the veteran, he will upon completion of the course be awarded credentials showing that he has attained journeymanship. Such assurance may consist of a written statement by the employer-trainer or by the joint apprentice committee as appropriate, or it may be evidenced by published statements or agreements clearly indicating that the employee will be employed as a journeyman upon completion of the apprentice training.

(9) Adequate records are kept to show the progress made by each eligible veteran toward his job objective. This requires that the trainer whether an employer or a joint apprentice committee shall maintain a record of the veteran's accomplishments and failures as he proceeds in the course so that the current state of his advancement therein will be clearly indicated by the trainer's records.

(10) * * * (i) * * *

- (c) He has completed a school course for that objective which is one of the professional objectives listed in the Dictionary of Occupational Titles, Code No. 0-01.00 through 0-39.99, e. g.. In no case will a veteran who has completed a school course for a professional objective, such as engineer, pharmacist, accountant, teacher, etc., be placed in training on the job for such objective, except that:
- (1) An eligible veteran training for the objective, lawyer, on graduation from law school may pursue in the States of Pennsylvania, New Jersey, Delaware, Vermont, Rhode Island, or other State having similar requirements, a bona fide course of on-the-job training for the study of clerkship of 6 or 9 months' duration required in such State to be pursued in a law office as a condition precedent to admission to the bar examination and to practice.
- 16. In § 21.2202, the introduction of paragraph (a) is amended to read as follows:
- § 21.2202 Institutional on-farm training. (a) Approval of institutional onfarm training programs by the appropriate State approving agency will in every case be in consideration of the program as planned to suit the needs of the individual veteran-applicant. Accordingly, the appropriate State approving agency may approve a course of full-time institutional on-farm training when it satisfies, as to the individual veteran-applicant, the following requirements:
- 17. In § 21.2203 (a) a new subparagraph (4) is added as follows:
- § 21.2203 Approval of accredited courses—(a) Accredited courses. * * *
- (4) Under the provisions of subparagraph (1) (i) of this paragraph any course of college level approved by the state approving agency as an accredited

course within the meaning of section 253
(a) (1) Public Law 550, 82d 'Congress, will be accepted by the Veterans' Administration as an accredited course when all of the following conditions prevail:

(i) The college or university offering such courses is accredited by the New England Association of Colleges and Secondary Schools, The Middle States Association of Colleges and Secondary Schools, the North Central Association of Colleges and Secondary Schools, the Northwest Association of Secondary and Higher Schools, the Southern Association of Colleges and Secondary Schools of Colleges Association and

or the Western College Association, and
(ii) The course has entrance requirements of not less than the requirements applicable to the college level program of the institution, and

(iii) Credit for the course is awarded in terms of standard semester or quarter hours acceptable toward fulfillment of the requirements for a standard college degree.

18. In § 21.2204, paragraph (a) (1) is amended to read as follows:

§ 21.2204 Approval of nonaccredited courses—(a) Nonaccredited courses. (1) Nonaccredited courses are any courses (other than institutional onfarm training) which are not approved as accredited courses under the standards specified in Public Law 550, 82d Congress, which are offered by a public or private, profit or non-profit, educational institution. These include nonaccredited courses offered by extension centers or divisions, or by vocational or adult education departments of institutions of higher learning, and nonaccredited courses offered by secondary schools.

19. A new § 21.2204a is added as follows:

§ 21.2204a Refund policy for tuition, fees, and supplies for nonaccredited courses. For the purposes of § 21.2204 (a) (2) (ii) (m) a refund policy will be considered to provide that the amount charged to the veteran for tuition, fees and other charges for a portion of the course does not exceed the approximate pro rata portion of the total charges for tuition, fees and other charges that the length of the completed portion of the course bears to the total length when the institution makes provision for refund within the following limitations:

- (a) Residence courses—(1) Registration fee. An established registration fee in an amount not to exceed \$10.00 need not be subject to proration. Where the established registration fee is more than \$10.00, the amount in excess of \$10.00 will be subject to proration.
- (2) Breakage fee. Where an institution has a breakage fee, it may provide for the retention of only the exact amount of the breakage, with the remaining part, if any, to be refunded to the yeteran.
- (3) Consumable instructional supplies. Where the institution makes a separate charge for consumable instructional supplies, as distinguished from laboratory

fees, the exact amount of the charges for supplies consumed may be retained but any remaining part must be entirely refunded to the veteran.

- (4) Books, supplies and equipment. Where the veteran purchases his books, supplies, and equipment from a book store or other source and the cost of such items is separate and independent from the charge made by the institution as tuition and fees for the course, he may retain or dispose of such items at his own Where the institution furdiscretion. nishes the books, supplies, and equipment, with the cost thereof included in the total charge payable to the institution for the course, and the veteran withdraws or is discontinued prior to the completion of the course, refund will be made in full for the amount of the charge for the unissued books, supplies, and equipment. Issued items may be considered for disposal at the discretion of the veteran.
- (5) Tuition and other charges. Where the institution either has or adopts an established policy, for the refund of the unused portion of tuition fees and other charges (except those not subject to proration as set forth in subparagraphs (1), (2) (3) and (4) of this paragraph), which is more favorable to the veteran than the approximate pro rata basis as provided in this subparagraph, such established policy will be for application, Otherwise, the institution will refund to the veteran a sum which does not vary more than 10 percent from the exact pro rata portion of such tuition, fees and other charges that the length of the completed portion of the course bears to its total length. With respect to residence courses, the exact proration will be determined'on the ratio of the number of days of instruction completed by the veteran to the total number of instructional days in the course.

Example: Computing maximum that may be-retained by institution on approximate pro rata basis where established refund policy is not more favorable to veteran:

Assume that a veteran enrolls in a course of 150 instructional days costing a total of \$200 which he pays to the institution and that he withdraws from the course at the end of 75 instructional days. The total established charges for the course are distributed as follows:

Tuition	\$150
Registration fee	
Breakage fee	25
Total	200

The refund to the veteran would be calculated as follows:

Total charge for the course______\$200
Less charges not subject to proration:
Breakage fee______\$25
Registration fee_______\$0

Net charge subject to proration______165

ø

Breakage fee unused and to be refunded \$10.00

Total to be refunded to veteran 84.25

Maximum to be retained by institu-

(b) Correspondence courses—(1) Registration fee. An established registration fee in an amount not to exceed \$10.00 need not be subject to proration. Where the established registration fee is more than \$10.00 the amount in excess of \$10.00 will be subject to proration.

(2) Books, supplies and equipment. The amount of the charge for books, supplies and equipment furnished to the veteran in accordance with the approved schedule of shipments need not be refunded. In the instance where the institution will accept return by the veteran of unused books, supplies and equipment in good condition, the amount which may be charged or retained for such items is a matter for agreement between the veteran and the institution.

(3) Tuition and other charges. Tuition and all other charges (exclusive of the registration fee, and books, supplies, and equipment provided as in subparagraphs (1) and (2) of this paragraph must be refunded on the pro rata basis that the number of lessons not completed and serviced bears to the total number of lessons in the course.

Example: Assume the veteran enrolls for a correspondence course of 60 lessons with established charges of \$150 distributed as below and pays the full amount of \$150 to the school. After completion of 25 lessons he withdraws from the course.

 Registration fee
 \$30

 Books, supplies and equipment
 20

 Tuition—60 lessons
 100

 Total
 150

The refund to the veteran would be calculated as follows:

Net charge to proration______ Cost per lesson equals \$120-60 or \$2.
Uncompleted lessons are 60 minus 25 or 35.
Tuition to be refunded (35×\$2) or

Tuition to be refunded (\$5 \times 2) or \$70 Charge for books and supplies not delivered 10

Total to be refunded to veteran.

Total to be retained by institution.....

70

20. In § 21.2300 (a) a new subparagraph (4) is added as follows:

§ 21.2300 Policy of providing educational and vocational guidance. (a)

- (4) Educational and vocational guidance is not provided for veterans in foreign countries other than the Republic of the Philippines.
- 21. In § 21.2303 (c) subparagraph (2) is amended to read as follows:
- § 21.2303 Reports by institutions.
- (c) Administrative allowance for preparation of reports and certifications. * *

(2) The amount of such allowance to be paid each eligible institution shall be computed on the basis of \$1.50 for each required certification of training actually received by the Veterans' Administration for the reporting period.

22. In § 21.2305 (a) a new subparagraph (1) is added as follows:

§ 21.2305 Overpayments of education and training allowances and other Veterans' Administration benefits. (a) * * * *

(1) Where a veteran has failed to make arrangements with the finance activity to restore or refund an outstanding overpayment of vocational rehabilitation and education benefits made under either Part VII or Part VIII, Veterans Regulation 1 (a) as amended (38 U. S. C. ch. 12) original entry into training under this Law may not be permitted until arrangements have been made by the veteran to liquidate the overpayment.

(Sec. 261, Pub. Law 550, 82d Cong.)

This regulation is effective January 22, 1953.

[SEAL]

H. V. STIRLING, Deputy Administrator.

[F. R. Doc. 53-615; Filed, Jan. 21, 1953; 8:45 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 202—MINIMUM WAGE DETERMINATIONS

NOTICE OF AMENDMENT TO DETERMINATION
O OF PREVAILING MINIMUM WAGE FOR
TEXTILE INDUSTRY

On December 11, 1952, notice was published in the Federal Register of a proposed decision of the Secretary of Labor in regard to the determination of the prevailing minimum wage for the Textile Industry (17 F. R. 11197) The notice allowed a period of fifteen days in which intertested parties might submit exceptions to the proposed decision or any data intended either in rebuttal or in support of certain material and data received as part of the record following the close of the hearing in this matter. The time for filing exceptions and other material was subsequently extended for an additional fifteen days to January 10,

Exceptions and objections to the proposed determination have been received from the American Cotton Manufacturers Institute, the National Association of Cotton Manufacturers, the National Association of Wool Manufacturers, the Textile Workers Union of America, and Attorney James L. Rankin on behalf of thirty-four textile companies and Attorney W. Glen Harlan on behalf of thirty-seven cotton textile mills.

In addition to the filing of objections Attorney James L. Rankin and Attorney W. Glen Harlan filed petitions for rehearing and oral argument in order to permit examination of witnesses in regard to certain statistical material received as part of the record following

the close of the hearing. These motions were disposed of by an order which I issued in this matter on January 12, 1953, and addressed to the interested parties. It was indicated in such order that the supplementary statistical data received in the record following the close of the hearing was for the purpose of clarification and elaboration of the basic record material and did not in itself constitute new basic evidence, and that no necessity was shown for the reopening of the hearing.

The exceptions submitted by the American Cotton Manufacturers Institute and Attorneys Rankin and Harlan were directed primarily toward the proposal to establish a single minimum wage for the Industry, and also as to the finding that the wage data in the record supports an industry-wide minimum wage of \$1.00 an hour. Objection was also made to the proposed wage of 92 cents an hour for learners. The Textile Workers Union of America objected to the proposed \$1.00 an hour rate on the ground that such rate is too low to have any substantial effect upon the Industry. The matters raised in these various

The matters raised in these various objections were matters which were considered by me in great detail in arriving at the proposed decision. I have carefully considered these various exceptions and the arguments presented in support thereof and find nothing therein which would require me to modify my proposed decision.

In their submissions the National Association of Cotton Manufacturers and the Textile Workers Union of America have urged that certain additional products be added to the cotton, silk and synthetic textile branch of the textile industry. These proposals and the supporting material have been examined in the light of the whole record and I have come to the conclusion that woven bedspreads, blankets, diapers and dishcloths are primarily made in integrated mills and were adequately represented in the wage data upon which my proposed determination was based. In consequence, these items have been added to the definition of the cotton, silk and synthetic textile branch.

After consideration of all matters presented in this proceeding the proposed decision is hereby adopted, with the definitional change indicated above.

Accordingly, pursuant to authority vested in me by the Walsh-Healey Public Contracts Act this part is amended as follows:

1. Section 202.43 (b) is amended to read as follows:

\$ 202.43 Textile industry. * * *

(b) Minimum wage. (1) The minimum wage for persons, employed in the manufacturing or furnishing of the products of the cotton, silk, and synthetic textile branch of the textile industry under contracts subject to the Walsh-Healey Public Contracts Act shall be \$1.00 an hour arrived at either on a time or piece-rate basis. The cotton, silk, and synthetic textile branch includes the manufacturing, processing, bleaching, dyeing, printing or other finishing of any of the following items which are within the scope of the textile industry, as defined herein, and are made

primarily of cotton, silk, or synthetic fiber or mixtures of these fibers: Yarn; thread; broad-woven fabrics (more than 12 inches in width) sheets and pillow cases; blankets; woven bedspread; diapers; dishcloths; towels; and wash cloths and scrubbing cloths.

- (2). The minimum wage for persons employed in the manufacturing or furnishing of the products of the textile industry, other than the products of the cotton, silk, and synthetic textile branch of the industry, under contracts subject to the Walsh-Healey Public Contracts Act shall be 87 cents an hour, arrived at either on a time or piece-rate basis.
- 2. Section 202.43 (c) is amended to read as follows:
- (c) Subminimum wages authorized. Learners may be employed subject to the following terms and conditions:

(i) Learners may be employed in the occupations of machine operating, machine tending, machine fixing, and jobs immediately incidental thereto;

- (ii) In the performance of contracts for the products of the cotton, silk, and synthetic textile branch of the industry learners may be paid a subminimum rate of 92 cents an hour unless experienced workers in the same plant and occupations are paid on a piece-rate basis, in which case learners must be paid the same piece rates paid to experienced workers and earnings, based upon those piece rates, if such earnings are in excess of 92 cents an hour. In the performance of contracts for products of the textile industry, other than the products of the cotton, silk, and synthetic textile branch of the industry, learners may be paid a subminimum rate of 80 cents an hour unless experienced workers in the same plant and occupations are paid on a piece-rate basis, in which case learners must be paid the same piece rates paid to experienced workers and earnings. based upon these piece rates, if such earnings are in excess of 80 cents an
- (iii) The length of the learning period shall be 240 hours unless the learner has had previous experience in the industry in which case the number of hours of such experience must be deducted from the 240 hour learning period.
- (iv) The number of learners may not exceed 3 percent of the total number of machine operators, machine tenders, machine fixers and persons engaged in jobs immediately incidental thereto except where, upon application to the Administrator of the Wage and Hour and Public Contracts Divisions or his authorized representative, a special certificate has been issued authorizing employment of learners in excess of 3 percent to meet a plant's abnormal situation created by establishment of new plants, expansion of production or plant facilities, and the like. Such special certificates will not be issued where it appears that experienced workers are available to the employer within the area from which he customarily draws his supply of labor, or that the issue of a special certificate will create unfair competitive labor cost advantages, or will impair or depress working standards established for experienced

workers for work of a like or comparable character in the industry.

(2) (i) Handicapped workers may beemployed at wages below the applicable minimum wages specified in this section upon the same terms and conditions as are prescribed for the employment of handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 524 and 525, respectively) under section 14 of the Fair Labor Standards Act as amended.

(ii) The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two Acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

3. The effective date provided in § 202.43 (e) is changed to read "February 21, 1953."

(49 Stat. 2036; 41 U.S. C. 35)

Signed at Washington, D. C., this 15th day of January 1953.

> MATIRICE J. TORIN. Secretary of Labor.

[F. R. Doc. 53-712; Filed, Jan. 21, 1953; 8:54 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I-Public Health Service, **Federal Security Agency**

Part 71—Foreign Quarantine

PSITTACINE BIRDS: RESTRICTIONS ON ENTRY; DISPOSITION OF EXCLUDED BIRDS.

Notice of proposed rule making having been published in the FEDERAL REGISTER of October 25, 1952 (17 F R. 9672) and consideration having been given to all relevant matter presented, amendments to the regulations governing the importation of psittacine birds, as set out below, are hereby adopted. Said amendments shall become effective 30 days following their publication in the FED-ERAL REGISTER.

- 1. Section 71.152 is revised to read as follows:
- § 71.152 Psittacine birds: Definitions; restrictions on entry—(a) Definitions. As used in this section and § 71.153, the
- (1) "Psittacine birds" includes birds commonly known as parrots, Amazons, African grays, cockatoos, macaws, parakeets, lovebirds, lories, lorikeets, and all other birds of the order Psittaciformes.

(2) "United States" means the continental United States, its territories and possessions (other than the Canal Zone)
(3) "Zoological park" means a place,

premises, or an establishment maintained for the exhibition of live animals for recreational or educational purposes. It does not include any place, premises. or establishment that is used for, or whose owner or operator engages directly

or indirectly in, selling or trading, or offering for sale or trade, psittacine birds to the public or to dealers in birds.

(b) Import restrictions. Psittacine birds shall not be brought into the United States for the purpose of sale or trade. Psittacine birds may be brought in only for the purposes and under the conditions prescribed in subparagraphs (1) to (4) inclusive of this paragraph, and subject to the provisions of § 71.153.

(1) Medical research. Psittacine birds may be brought in for purposes of medical research under conditions prescribed by the Surgeon General to minimize risk of psittacosis infection, if the birds are accompanied by a permit issued by the Surgeon General and if they appear to the quarantine officer to be in good health unless otherwise specified in the

permit.

(2) Zoological parks. (i) Psittacina birds may be brought in for a zoological park if the birds appear to the quarantine officer to be in good health and they are accompanied by a permit issued by the Surgeon General. On arrival at the zoological park or at detention facilities approved by the Surgeon General, the birds shall be immediately isolated for at least thirty days where they will not have contact with other birds or with the public. When any bird in isolation displays symptoms suggestive of psittacosis, the owner or operator of the park or detention facility shall have the bird killed promptly and shall immediately notify the nearest quarantine station of the Public Health Service or the Surgeon. General. Such owner or operator shall comply with such measures, including preservation of the carcass for examination, as are determined by the Surgeon General to be necessary to prevent the o spread of psittacosis.

(ii) Application for a permit under this subparagraph shall be submitted by the owner or operator of the zoological park and shall furnish such information as the Surgeon General may require, including the number and species of birds to be imported, their place of origin, the probable port and date of arrival, a description of the detention facilities to be used for isolation of the birds, and the precautions to be taken to prevent trans-

mission of psittacosis.

(iii) The application shall include a certification that: The birds are not intended for sale or trade; the zoological park is not used for the sale or trade of psittacine birds to the public or to dealers in birds, or for offering psittacine birds for such sale or trade; and neither the owner nor operator of the zoological park engages directly or indirectly in such sale or trade of psittacine birds or in offering them for such sale or trade. Upon receipt of such certification and of such other evidence as he may require, the Surgeon General may designate a place, premises, or an establishment as a zoological park for the purposes of this section; he may then waive the requirement for submission of the certification with subsequent applications for permits in the case of that park. Such designation and waiver shall be subject to revocation at any time in the discretion of the Surgeon General.

(3) Pets. A maximum of two psittacine birds may be imported by the owner thereof provided (i) the birds appear to the quarantine officer to be in good health; (ii) not more than two birds are brought in by members of a family comprising a single household; and (iii) the owner submits at the port of arrival of the birds a sworn statement that they are not intended for sale or trade in the United States, that neither he nor any member of his family within his household has imported any other birds under this paragraph in the preceding twelve months, and that the birds have been in the owner's possession for the four months preceding arrival except for any period occasioned by the arrival of the owner and birds on separate conveyances.

(4) Return to United States. Psittacine birds taken out of the United States may be admitted if, upon their return:

(i) The requirements of subparagraph (3) of this paragraph are complied with;

- (ii) They are accompanied by a permit for return issued by the Surgeon General, the owner submits a sworn statement as to compliance with the terms of the permit and such other information as the Surgeon General may require, and the birds appear to the quarantine officer to be in good health. Application for such a permit should be made by the owner of the birds prior to their departure from the United States and shall include a sworn statement as to the itinerary, the number and description of the birds, and such other information as the Surgeon General may require.
- (c) Cancellation of permit. Any permit issued under this section shall be subject to cancellation if procured or - used in a manner inconsistent with this part, or if cancellation is otherwise found necessary by the Surgeon General in the interest of the public health.
- (d) Delegation of authority by Surgeon General. The Surgeon General may delegate his powers and duties under this section to any officer or employee of the Service.
- 2. Section 71.153 is revised to read as follows:
- § 71.153 Psittacine birds: Exclusion of exposed birds; disposal of excluded birds—(a) Exclusion of exposed birds. Notwithstanding any provision of § 71.152, psittacine birds may not be brought into the United States if, during shipment, they have been exposed to psittacosis, or have been in contact with birds showing symptoms suggestive of psittacosis or with birds dying from unconfirmed causes.
- (b) Disposal of excluded birds. (1) Birds appearing healthy which have been exposed to infection as described in paragraph (a) of this section or which are excluded from admission by § 71.152 shall be either exported or destroyed. Exportation shall be permitted only if the owner exports the birds within a reasonable time, as determined by the medical officer in charge; pending exportation, the birds shall be detained at the port of entry at the owner's expense.

While so detained, birds that have been as to those moving in interstate comexposed as described in paragraph (a) of this section shall be isolated.

(2) Psittacine birds that show, either upon arrival or while held in detention, symptoms suggestive of psittacosis shall be destroyed immediately.

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interpret or apply secs. 361-369, 58 Stat. 703-706; 42 U.S. C. 264-272)

Dated: January 15, 1953.

LEONARD A. SCHEELE, Surgeon General.

Approved:

RUFUS E. MILES, Jr., Acting Federal Security Admin-2strator

[F. R. Doc. 53-637; Filed, Jan. 21, 1953; 8:51 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[5th Rev. S. O. 95]

PART 95-CAR SERVICE

APPOINTMENT OF REFRIGERATOR CAR AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of January A. D. 1953.

It appearing, the matter of car service (section 1, paragraphs 10 to 17, inclusive) of the Interstate Commerce Act being under consideration, that car service will be promoted in the interest of the public and commerce of the people by the appointment of an agent with the authority and duties herein described.

§ 95.95 Appointment of refrigerator car agent—(a) Designation and duties. D. W. Benton, Assistant to Chairman, Car Service Division, Association of American Railroads, 59 East Van Buren Street, Chicago 5, Illinois, is hereby designated and appointed refrigerator car agent of the Interstate Commerce Commission. As agent he is required to provide the Commission with current information, through its Director of the Bureau of Service, with respect to the supply of and the need for refrigerator cars in all sections of the United States, and in this connection to utilize the services of an Advisory Committee consisting of the Chairman, Car Service Division, Association of American Railroads, and subject to the Commission's approval of at least one representative of the railroad industry, of railroadcontrolled refrigerator car companies, of non-railroad controlled refrigerator car companies and of shipper-owned refrigerator car companies. As agent, he is authorized and directed to determine and advise the Commission through its Director of the Bureau of Service concerning measures which will reduce the time of loading and unloading refrigerator cars or increase the efficiency and economy of such cars' utilization. operation and movement.

(b) Application. The provisions of this section shall apply to shipments moving in intrastate commerce as well

merce.

(c) Effective date. This section shall become effective at 12:01 a.m., January 19, 1953.

(d) Expiration date. This section shall expire at 11:59 p. m., June 30, 1953, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this order shall vacate and supersede Fourth Revised Service Order No. 95 as amended on the effective date hereof and that a copy of this order and direction shall be served upon each State railroad regulatory body, the Association of American Railroads, Car Service Division, and upon The American Short Line Railroad Association as agents of the railroad subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington. D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U.S. C. 1)

By the Commission, Division 3.

GEORGE W. LAIRD, [SEAL] Acting Secretary.

[F. R. Doc. 53-674; Filed, Jan. 21, 1953; 8:48 a. m.]

[S. O. 873, Amdt. 4]

PART 95-CAR SERVICE

CONTROL OF TANK CARS: APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of January A. D. 1953.

Upon further consideration of the provisions of Service Order No. 873 (16 F. R. 1131, 7359; 17 F. R. 482, 6558) and good cause appearing therefor: It is ordered, that:

Section 95.873 Control of tank cars; appointment of agent of Service Order No. 873 be, and it is hereby, amended by substituting the following paragraph (e) hereof for paragraph (e) thereof:

(e) Expiration date. This section shall expire at 11:59 p. m., April 15, 1953, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., January 15, 1953, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U.S. C. 1)

By the Commission, Division 3.

[SEAL]

GEORGE W. LAIRD. Acting Secretary.

[F. R. Doc. 53-675; Filed, Jan. 21, 1953; 8:48 a. m.]

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

STEAM RAILWAY ANNUAL REPORT FORM C

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 12th day of January A. D. 1953.

The matter of annual reports from steam railway companies and switching and terminal companies of Class III being under consideration, and it appearing that the changes in existing regulations to be effectuated by this order are only minor changes with respect to the data to be furnished, and that public rule-making procedures are unnecessarv.

It is ordered, That the order of November 16, 1951, in the matter of annual reports from steam railway companies, and switching and terminal companies, of Class III (49 CFR 120.12) be, and it as hereby modified with respect to annual reports for the year ended December 31, 1952, and subsequent years, as follows:

§ 120.12 Form prescribed for small steam railways and switching and terminal companies. All steam railway companies and switching and terminal companies of Class III subject to the provisions of section 20, Part I of the

Interstate Commerce Act. are hereby required to file annual reports for the year ended December 31, 1952, and for each succeeding year until further order, in accordance with Annual Report Form C (Small Steam Roads and Switching and Terminal Companies) which is hereby approved and made a part of this section.1 The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31 of the year following the one to which it relates.

(Sec. 12, 24 Stat. 383, as amended, sec. 201, 54 Stat. 933; 49 U. S. C. 12, 904. Interprets or applies sec. 20, 24 Stat. 386, as amended, 54 Stat. 944; 49 U.S. C. 20, 913)

By the Commission, Division 1.

[SEAL]

GEORGE W LAIRD. Acting Secretary.

[F. R. Doc. 53-676; Filed, Jan. 21, 1953; 8:49 a. m.]

PROPOSED RULE MAKING

~ [18 CFR Ch. I]

[Docket No. R-126]

TREATMENT OF FEDERAL INCOME TAXES AS AFFECTED BY ACCELERATED AMORTIZA-

NOTICE OF PROPOSED RULE MAKING AND FIXING DATE FOR ORAL ARGUMENT

JANUARY 13, 1953.

- 1. Notice is hereby given of proposed rule making in the above-entitled matter.
- 2. Section 124A of the Internal Revenue Code provides, inter alia, as follows:

124A. Amortization deduction-(a) General rule. Every person, at his election, shall. be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any emergency facility (as defined in subsection (d)), based on a period of sixty months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the facility at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortizadeduction for such month. The amortization deduction above provided with respect to any month shall, except to the extent provided in subsection (f) of this section, be in lieu of the deduction with respect to such facility for such month provided by section 23 (1), relating to exhaustion, wear and tear, and obsolescence: The sixty-month period shall begin as to any emergency facility, at the election of the taxpayer, with the month following the month in which the facility was completed or acquired, or with the succeeding taxable year.

(b) Election of amortization. The election of the taxpayer to take the amortization deduction and to begin the sixty-month

FEDERAL POWER COMMISSION period with the month following the month in which the facility was completed or acquired, or with the taxable year succeeding the taxable year in which such facility was completed or acquired, shall be made by filing with the Secretary, in such manner, in such form, and within such time, as the Secretary may by regulations prescribe, a statement of such election.

(c) Termination of amortization deduction. A taxpayer which has elected under subsection (b) to take the amortization deduction provided in subsection (a) may, at any time after making such election, discontinue the amortization deductions with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary before the beginning of such month. The deduction provided under section 23 (1) shall be allowed, beginning with the first month as to which the amortization deduction is not applicable, and the taxpayer shall not be entitled to any further amortization deductions with respect to such emergency facility.

(d) Definitions—(1) Emergency facility. As used in this section, the term "emergency facility" means any facility, land, building, machinery, or equipment, or any part thereof, the construction, reconstruction, erection, installation, or acquisition of which was com-pleted after December 31, 1949, and with respect to which a certificate under subsection (e) has been made. In no event shall an amortization deduction be allowed in respect of any emergency facility for any taxable year unless a certificate in respect thereof under this paragraph shall have been made prior to the filing of the taxpayer's return for such taxable year, or, in the case of an emergency facility completed or acquired by a taxpayer after December 31, 1949, and before the date of enactment of the Revenue Act of 1950, unless a certificate in respect thereof under this paragraph shall have been made prior to the expiration of twelve months after the date of enactment of the Revenue Act of 1950.

(2) Emergency period. As used in this section, the term "emergency period" means

the period beginning January 1, 1950, and ending on the date on which the President proclaims that the utilization of a substantial portion of the emergency facilities with respect to which certifications under sub-section (e) have been made is no longer required in the interest of national defense.

3. By virtue of Executive Order 10200, dated January 3, 1951 (16 F R. 61), the Defense Production Administrator was designated as the certifying authority of emergency facilities.

4. In his capacity as certifying authority, the Defense Production Administrator had as of October 22, 1952, issued certificates to persons subject to the Federal Power Act, and to persons sub-ject to the Natural Gas Act, as follows:

Persons Subject to the Federal Power Act

Gross investment: \$2,495,212,000. Amount certified for accelerated amortization: \$1.176.439.000.

Persons Subject to the Natural Gas Act

Gross investment: \$386,297,000.

Amount certified for accelerated amortization: \$97,289,000.

5. In view of the foregoing, the Commission is considering the possibility of promulgating rules with respect to the treatment of federal income taxes, for accounting or rate-making purposes, or both, under either the Natural Gas Act or the Federal Power Act, or both.

The Commission finds: It is reasonable and appropriate for the purposes of the administration of the Natural Gas Act and Federal Power Act and for carrying out the provisions thereunder that oral argument be heard on the following issue: In view of accelerated amortization permitted pursuant to section 124A of the Internal Revenue Code, what rules,

¹Filed as part of original document.

if any, should be promulgated by the Commission with respect to the treatment of federal income taxes, for accounting or rate-making purposes, on both, under either the Natural Gas Act or the Federal Power Act, or both?

The Commission orders:

(A) Oral argument before the Commission on the issue set out in the above finding be and the same is hereby fixed for March 11, 1953, at 10 o'clock a. m.,

e. s. t., in the Hearing Room, Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(B) Any interested person may submit to the Commission on or before February 27, 1953, data, views, and comments in writing concerning the issue set out in the above finding. An original and nine copies of any such submittals should be filed with the Secretary of the Commission.

(C) On or before March 6, 1953, any person intending to participate in the oral argument shall advise the Secretary of such intention.

Date of issuance: January 15, 1953.

By the Commission.

seal] Leon M. T

[F. R. Doc. 53-669; Filed, Jan. 21, 1953; 8:46 a.m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army

STATEMENT OF ORGANIZATION AND FUNCTIONS

AGENCIES DEALING WITH THE PUBLIC:
OFFICE OF THE ADJUTANT-GENERAL

The statement of organization and functions published in 15 F R. 544, February 1, 1950, is amended by changing paragraph (e) of section 2 to read as follows:

SEC. 2. Organization and functions of agencies dealing with the public. * * *

- (e) Office of The Adjutant General—
 (1) Mission. The mission of The Adjutant General's Office is to provide, under the direction and control of the Assistant Chief of Staff, G-1, Personnel, military personnel management, Special Services (recreational) activities, and certain administrative services for the Army Establishment, and to perform such related services for other components of the Department of Defense as are directed.
- (2) Origin. A resolution of the Continental Congress, adopted June 16, 1775, created the position of Adjutant General of the Army. On June 17, 1775, Congress established his rank as brigadier general.
- (3) Historical development. (i) From the disbandment of the Army in 1783 until the act of March 3, 1791, there was no regularly appointed Adjutant General. However, during this period an Acting Adjutant General continued to perform the administrative functions of the office.
- (ii) The act of March 5, 1792, provided for an Adjutant who was also to serve as an Inspector of the Army. This dual function was continued intermittently until 1812.
- (iii) In 1812 specific provisions was again made for the appointment of an Adjutant General, and by the act of March 3, 1813, The Adjutant General's Department was first officially established.
- (iv) Responsibility for Regular Army recruiting was assigned for an intervening period of 2 years, has continued as an important function of The Adjutant General's Office. During the period 1864–66, recruiting was assigned to The Provost Marshal General, although The Adjutant General continued to per-

form the functions of care of recruits at Depots, their organization into regiments and companies for new commands, and their movement as replacements.

(v) In 1864 The Adjutant General was charged with preparation of official records of the Civil War, which function was later expanded to include the official records of the Confederacy; and in 1865 The Adjutant General was assigned responsibility for the disbanding of the Volunteer Army.

(vi) In 1874 the duties of The Adjutant General were expanded to include supervision of the military prison at Fort Leavenworth; in 1881 to include supervision of Post Schools; in 1885 to include retirement of personnel of the Regular Army, and preparation of histories for all military posts, camps, and stations in the United States.

(vii) By the act of April 23, 1904, The Adjutant General's Department was designated The Military Secretary's Department while The Adjutant General's Office and the Record and Pension Office were consolidated into The Military Secretary's Office.

(viii) Public Law 170, 59th Congress, March 2, 1907, reestablished the original designations of Adjutant General and Adjutant General's Department, with the addition of "The" preceding the latter as part of the official title. Pursuant to the provisions of this act, the senior officer of the Department was designated The Adjutant General and other officers were to be known as adjutants general. The Military Secretary's Office was simultaneously redesignated The Adjutant General's Office. Thus, the definite article "The" officially preceded the department and office titles for the first time in 1907.

(ix) On March 4, 1915, The Adjutant General was vested with administration and control of United States Disciplinary Barracks and of all offenders sent thereto for confinement.

(x) Section 6 of the National Defense Act of 1916, as amended, provided that The Adjutant General's Department would consist of The Adjutant General with the rank of major general, one assistant with the rank of brigadier general, who would be Chief of the Personnel Bureau, and other officers. This act also expanded the responsibilities of The Adjutant General to include the operating functions of procurement, as-

signment, promotion, transfer, retirement, and discharge of all officers and enlisted personnel of the Army.

(xi) The reorganization of the War Department accomplished on March 9, 1942, placed The Adjutant General in the dual role of Adjutant General of the Services of Supply (changed to Army Service Forces in 1943) and The Adjutant General of the Army.

(xii) The abolishment of Army Service Forces and the post-World War II reorganization of the Army effected June 11, 1946, pursuant to Executive Order No. 9722, May 13, 1946, automatically relieved The Adjutant General of responsibilities relating thereto. Concurrently, The Adjutant General's Department was designated as an administrative service of the Army and The Adjutant General as an administrative staff officer of the War Department. As head of an administrative service, The Adjutant General was, at that time, placed under the supervision of the Director of Personnel and Administration in the performance of all activities relating to personnel administration.

(xiii) Pursuant to provisions of the National Security Act of 1947, the War Department was redesignated the Department of the Army. Coincident with this action, certain functions and records of The Adjutant General's Office were transferred to the newly created Department of the Air Force.

(xiv) On November 1, 1948, the operations and administrative activities of The Adjutant General, together with those of the other administrative services, were placed under the direction and control of the Director of Personnel and Administration. This staff relationship between the Assistant Chief of Staff, G-1, Personnel, and The Adjutant General has been continued in effect since that date.

(xv) Concurrent with discontinuance of the Office of the Chief of Special Services on March 1, 1950, Special Services responsibilities and functions were transferred to The Adjutant General and a Special Services Division was established within The Adjutant General's Office.

(xvi) With the transfer of the Career Management Division from the Office of the Assistant Chief of Staff, G-1, to The Adjutant General's Office on April 26, 1950, The Adjutant General assumed full responsibility for personnel operations applicable to combat arms officers.

1950 (Pub. Law 381, 81st Cong.) redesignated The Adjutant General's Department The Adjutant General's Corps, a basic branch of the Army.

(4) Dual role of The Adjutant General. The Adjutant General is Chief of the Adjutant General's Corps, an administrative service of the Army, and in such capacity exercises the separate responsibilities of staff and command.

(i) As a member of the Army Staff, The Adjutant General performs those staff responsibilities and duties prescribed by SR 10-5-1 and AR 10-305.

(ii) As commander of troops, activities, and installations assigned to his command, The Adjutant General performs the usual functions of command over troops, activities, installations, and services, except as provided in SR 10-500-1.

(5) Legal basis. (i) The statutory authority for assignment of general powers and duties to The Adjutant General is contained in subsection 206 (c) and 405 of the Army Organization Act of 1950 (Pub. Law 581, 81st Cong., 64 Stat. 263)

(ii) The Adjutant General's Corps was designated as a basic branch of the Army by subsection 306 (a) of the act, and by subsection 206 (a) The Adjutant General, in the grade of major general, was designated Chief of Service.

(iii) The Adjutant General was designated as a member of the Army Staff by subsection 201 (a) (4) of the act.

- (6) Major functions—(i) Advice and assistance. (a) Provides advice recommendations concerning military personnel procurement and management, Special Services activities, and administrative services matters to the Secretary of the Army the Chief of Staff. other members of the Army Staff, the Chief of Army Field Forces, the Commanding General, Army Antiaircraft Command, and the commanders of major commands.
- (b) Develops plans and procedures. and prepares directives, pertaining to military personnel procurement and management and to Special Services and administrative service matters, and coordinates these directives and operational and administrative plans with other Army staffs and agencies.

(c) Provides Army-wide supervision and assistance in military personnel procurement and management and in the operation of Special Services activities and administrative services, and performs such inspections of these activities as are prescribed by the Chief of Staff and the Assistant Chief of Staff, G-1.

(ii) Administrative services. Provides administrative services for the Army Establishment, and such services for other components of the Department of Defense as are directed, as follows:

(a) Authentication, standardization, printing, reproduction, procurement, storage, and distribution of directives and other publications.

(b) Personnel accounting and equipment status statistical services.

(c) Postal and courier services.

(d) Development and promulgation of records management policies for the Army Establishment, and supervision of

(xvii) The Army Organization Act of the Army records administration program.

- (e) Maintenance of, and the furnishing of information from, retired records of the Army Establishment and United States Air Force, Office of the Secretary of Defense and of certain joint and combined agencies of the Defense Establishment; captured records; current records of the Department of the Army submitted to The Adjutant General for official records purpose; and certain historical records of Army units, installations, and the reserve components.
- (f) General correspondence services. (g) Review and regrading of classified Department of the Army publications, documents, and records.
- (h) Organization status and directory services, and the allotment of unit numerical designations.
- (i) Administration of the dependents schools program, including budget activities thereof.
- (i) Administration of Department of the Army policies pertaining to the administrative processing of dependents for travel to oversea areas.
- (k) Issuance of invitational travel orders and travel authorizations for civilian personnel and foreign military personnel traveling under Department of the Army authorization.
- (1) Directory service on boards, committees, and commissions on which the Department of the Army has representation.

(m) Informational services on customs of the service, precedent, and policy.

(iii) Military personnel management. Provides military personnel management for the Army Establishment, and performs such military personnel functions for other components of the Department of Defense as are directed, as follows:

(a) Administers the procurement and appointment of officers and warrant officers.

(b) Administers recruiting and recruiting publicity services.

(c) Administers Armed Forces induction and examining services.

(d) Administers the assignment, transfer, promotion, decorations, and awards, separation, and retirement of officers, warrant officers, and enlisted personnel of the Army.

(e) Accomplishes administrative actions pertaining to benefits, emoluments. and privileges accruing to Army personnel and their dependents.

- (f) Administers career management policies and procedures for officers, warrant officers, and enlisted personnel of the Army accomplishes career management and personnel actions incident thereto for officers of the Infantry, Artillery, and Armor branches, officers of The Adjutant General's Corps, and warrant officers and enlisted personnel assigned to the control of The Adjutant General.
- (g) Prescribes disciplinary custodial procedures, and processes military prisoner remission, parole, and restoration to duty actions.
- (h) Establishes casualty reporting procedures, and provides casualty information.

(i) Provides information from military personnel records of individuals to government agencies and persons qualified to receive such information.

(j) Implements policies and procedures governing the administration and personnel management of members of the reserve components not in the active military service, and administers the ordering of such personnel into activo military service as individuals.

(k) Plans and develops procedures for identification, classification, and codification of Army jobs to facilitate effective

utilization of manpower.

(1) Develops and prescribes procedures pertaining to personnel utilization. maintenance of personnel records, qualitative distribution of personnel within the Army based on physical and montal criteria, and the reception and separation processing of Army personnel.

(m) Analyzes Army troop strength and maintains current data on occurrence and requirement rates for military

specialists.

(n) Conducts personnel research requisite to provide continuing improvement in personnel management methods and techniques, utilization of personnel, and the adequacy of personnel records.

(iv) Special Services activities (recreational) (a) Implements plans, policies, and programs pertaining to recreational activities and facilities for military personnel of the Army Establishment, Army bands, and the utilization of community welfare and recreation agency services.

(b) Obtains and supervises profes-sional entertainment for personnel of the

Armed Forces.

(v) Planning. (a) Performs mobilization planning for the procurement, induction processing, and allocation of personnel for the Army Establishment. and for other components of the De-partment of Defense as directed.

(b) Conducts Adjutant General's Corps administrative, operational mobili-

- zation, and war planning.

 (vi) Training. (a) Plans and supervises the training of troops and individuals assigned to the control of The Adjutant General, and provides technical advice and assistance to other staff agencies, to the Chief, Army Field Forces, and to commanders of major commands on matters pertaining to training in Army administration, personnel management, personnel accounting, recruiting, Special Services, and disciplinary custody.
- (b) Provides resident and extension courses in Army administration, personnel management, manpower control, recruiting, machine accounting, and Special Services for military personnel of the Army Establishment,
- (vii) Operational control of field activities. Directs and controls the operation of publications, courier, records center, recruiting, personnel research, and training filed activities and installations assigned to the command of The Adjutant General.
- (7) Organization—(i) Administrative Services Division. (a) Administers the postal and security courier services of the Army and Air Force, including:

- (1) Preparation of applicable Army Reserve programs and mobilization plans.
- (2) Organization of postal and security courier units.
- (3) Preparation of plans and programs for the training of postal and security courier personnel.
- (b) Administers the printing, procurement, storage, and distribution of Army publications and blank forms, including:
- (1) Fiscal administration incident thereto.
- (2) Forms standardization and art work.
- (3) Stock control and determination of requirements.
 - (4) Control of periodicals.
- (c) Administers civilian personnel of The Adjutant General's Office and offices of The Provost Marshal General and Chief of Chaplains.
- (d) Operates records centers which maintain and provide information from retired organization and installation records of the Army and Air Force; military personnel records of separated Army and Air Force personnel; retired records of the Departments of the Army and Air Force, Office of the Secretary of Defense, and certain joint and combined agencies of the Defense Establishment; and captured enemy records.
- (e) Operates the Central U. S. Registry for NATO documents, and provides mail, communications, message center, and office services for The Adjutant General's Office, and mail and courier services for Department of the Army staffs and agencies.
- (f) Maintains the current classified and unclassified decimal files of The Adjutant General's Office, reports on occupied areas, and those records submitted to The Adjutant General by other Department of the Army agencies for official records purposes.
- (g) Processes, distributes, and accounts for Department of the Army miscellaneous classified correspondence and classified serial and nonserial documents, and reviews and regrades classified Department of the Army publications, documents, and records.
- (h) Authenticates and issues Department of the Army multiple address directives.
- (i) Prepares correspondence on miscellaneous Department of the Army military and civilian matters not directly related to the administration of individuals.
- (j) Administers Department of the Army policies pertaining to the administrative processing of dependents for travel to oversea areas; obtains and disseminates information on passport and other requirements for dependent travel; maintains the office of record on matters pertaining to oversea travel by dependents of Army and Air Force personnel.
- (k) Processes travel orders, invitational travel orders, and travel authorizations for Members of Congress, civilian personnel of the Department of the Army, foreign military personnel, American Red Cross personnel, and other civilian personnel traveling under Department of the Army authorization.

- (1) Maintains current data, prepares listings, and provides informational services pertaining to status, assignment, and location of units, installations, and activities of the Army T/O & E, T/D, and bulk authorizations of personnel; intra-Army committee organizations; equipment modification lists.
- (m) Controls allotment of unit numerical designations, maintains a chronological record of the history of Army units and installations, and maintains data pertaining to unit colors, lineage, coats-of-arms, and distinctive insignia.
- (n) Administers the dependents schools program, the Army civil schooling program, and Army mobilization designation training funds.
- '(o) Administers the operation of the Army personnel and equipment status statistical and accounting system, including:
- (1) Preparation and auditing of Department of the Army personnel accounting and equipment status statistical reports.
- (2) Development and promulgation of personnel accounting procedures.
- (3) Fiscal administration incident to operation of the system.
- (4) Procurement of electrical accounting equipment utilized within the system.
- .(5) Preparation of applicable Army Reserve programs and mobilization plans.
- (6) Organization of machine records units.
- (7) Preparation of plans and programs for the training of machine records personnel.
- (p) Directs and controls the operation of Army publications depots, supply, and printing activities; courier transfer stations; and records center field activities and installations assigned to the command of The Adjutant General.
- (ii) Career Management Division. (a) Implements and administers career management policies and programs for commissioned officers and warrant officers of the Army.
- (b) Controls assignments, strength allocations, and requirements for Army aviation and airborne officer personnel.
- (c) Coordinates and administers personnel policies pertaining to officer training in military and civilian schools above branch level.
- (d) Compiles and allocates requirements for officers to be trained in special-lzed fields, supervises officer training in civilian schools, and controls utilization of school graduates.
- (e) Implements career management, world-wide assignment and reassignment, and administers personnel actions for officers of the Armor, Artillery, and Infantry branches.
- (f) Performs career management and administers the ordering into active military service, and relief therefrom, for officers of the Military Intelligence, Army Security, and Staff Specialist Reserves.
- (g) Controls assignment of officers to Army Administrative Area elements, service school staffs, reserve components activities of the Army, military missions,

- commissions, advisory groups, observer groups, and special oversea assignments.
- (h) Accomplishes procurement of officers for assignment to continental United States and oversea activities of Central Intelligence Agency, Army Attache System, Army Security Agency, Counter Intelligence Corps, Military Intelligence Service Units, and Army Language Program.
- (iii) Comptroller Division. (a) Provides staff assistance and management services to organizational elements of The Adjutant General's Office and field activities and installations assigned to the command of The Adjutant General.
- (b) Accomplishes career management, world-wide assignment and reassignment, and personnel actions for Adjutant General's Corps officers, and warrant officers and enlisted personnel assigned to the control of The Adjutant General.
- (c) Administers all budget and fiscal activities for which The Adjutant General is responsible.
- (d) Controls allocation of personnel spaces within The Adjutant General's Office, and to field installations and activities assigned to the command of The Adjutant General.
- (e) Develops and prescribes a work measurement system, and conducts surveys, to determine efficient personnel utilization and allocation within The Adjutant General's Office, and field activities and installations assigned to the command of The Adjutant General.
- (f) Develops plans for, and coordinates all data required in the development, execution review, and analysis of. The Adjutant General's annexes to the Department of the Army primary programs.
- (g) Reviews, for clarity, format, and conformance with applicable policies, proposed Department of the Army directives originating within The Adjutant General's Office, or referred to The Adjutant General for concurrence by another Army staff agency, and renders technical assistance in the preparation of directives.
- (h) Operates the Reports Control System for The Adjutant General's Office.
- (i) Performs management studies within The Adjutant General's Office, and field activities and installations assigned to the command of The Adjutant General, to improve efficiency and effectiveness of organization and operation.
- (j) Regulates the internal organization, delegation of functions, and allocation of space within The Adjutant General's Office.
- (k) Develops and recommends techniques for improvement of office management, methods, practices, and utilization of labor-saving devices within The Adjutant General's Office.
- (1) Develops records management policies and regulations for the Army Establishment, and supervises the Army Records Administration Program.
- (m) Administers and maintains The Adjutant General's Office master policy system.
- (n) Coordinates and supervises the organization and training of The Adjutant General's Corps units of the Army Reserve.

(o) Prepares and coordinates training literature and films, and administers training doctrine for The Adjutant General's Corps.

(p) Prepares and coordinates Adutant General's Corps tables of organization and equipment, support requirements, mobilization and emergency plans, and monitors Adjutant General's Corps spaces in Troop Basis.

(q) Directs and controls the operation of training field activities and installations assigned to the command of The

Adjutant General.

(iv) Military Personnel Procurement Division. (a) Administers and supervises operation of Armed Forces examining stations and induction stations.

(b) Prepares plans for operation of the mobilization induction system.

(c) Administers and supervises the recruiting of men and women for the Army and the Air Force, including:

(1) Preparation of plans and programs for the training of recruiting personnel.

(2) Development and implementation of enlistment qualification and grade determination criteria for Army personnel.

(3) Accomplishment of determinations on requests for waiver of administrative or physical disqualifications for enlistment or induction in the Army.

(4) Planning, coordination, and supervision of public relations, publicity, and advertising activities pertaining torecruitment.

(d) Develops activity cost data and administers budgetary matters for Armed Forces examining and induction activities and recruiting activities.

(e) Compiles reports and maintains statistical data pertaining to recruiting, induction, and examination of enlistees and inductees.

(f) Directs and controls the operation of recruiting field activities and ınstallations assigned to the command of The

Adjutant General.

- (v) Personnel Bureau. (a) Consolidates requisitions, determines availabilities, announces approved allocations, and issues orders and/or assignment instructions pertaining to assignment and reassignment of officer, warrant officer, and enlisted personnel.
- (b) Completes administrative actions and issues orders pertaining to:
- (1) Transfers between branches of the Army.

(2) Detail to, or relief from detail in.

branches of the Army.

(3) Leaves of absence; assignments to boards, courts, and commissions; and similar actions pertaining to personnel assigned to Department of the Army staffs and agencies.

(c) Administers policies governing, and accomplishes final determinations on applications for, deferment from oversea assignment, return from oversea stations, and reassignment within the continental United States for compassionate reasons.

(d) Provides military personnel administration and management for those agencies and activities of the Department of the Army administrative area which are not self-administering.

(e) Prepares officers' statements of service and career summaries for, and

provides related services to, Department of the Army Selection Boards.

(f) Develops and administers casualty reporting regulations and procedures, including the following:

(1) Processing reports of casualties and dead, missing, and seriously ill, nonbattle; and preparation of notifications to emergency addresses and next of kin.

(2) Review of cases of missing personnel and accomplishment of administrative determinations thereon in conformance with Missing Persons Act.

(3) Determination of battle or nonbattle status, and verification of correct grades of personnel reported as dead or missing.

(4) Review of reports of field investigations pertaining to death, injury, and illness, and accomplishment of final determinations pertaining to line of duty and misconduct status.

(g) Supervises the administration of military prisoners confined in United States Disciplinary Barracks, including the following:

(1) Control of the selection and training of custodial personnel for assignment to disciplinary barracks.

(2) Analysis, evaluation, and preparation of military prisoner cases for presentation to the Army and Air Force Clemency and Parole Boards for remission and parole consideration and for presentation to the Secretaries of the Army and the Air Force for restoration to duty consideration.

(3) Development of standards and procedures for control, discipline, classification, and vocational and educational training of military prisoners, and the management, administration, and operation of disciplinary barracks.

(4) Maintenance and custody of the personnel records and files of military prisoners confined in disciplinary barracks and Federal confinement facilities.

(5) Administration of transfers of prisoners between disciplinary barracks, and between disciplinary barracks and Federal confinement facilities.

(h) Administers Army officer and warrant officer procurement policies and procedures, including:

(1) Appointment, examination, and admission of cadets to the Military Academy, and administration of the personnel affairs and the separation of cadets.

(2) Appointments to the Regular Army.

(3) Administration of the Officer Candidate School and Reserve Officer Training Corps programs.

(4) Allocation of warrant officer appointment quotas.

(5) Accomplishment of determinations on requests for waiver of eligibility requirements.

(i) Accomplishes administrative actions and determinations pertaining to absentees, fraudulent enlistees, military personnel arrested or convicted by civil authorities, and allegations against Army personnel involving criminal and civil offenses, indebtedness, and non-support.

(j) Administers relief from active duty

and separation of Army personnel, including:

(1) Age, service, and disability retire-

ment.

(2) Resignation, elimination, and discharge of Army personnel, exclusive of dismissal by court martial.

(k) Administers the award of Army decorations to American and foreign military personnel, and determines the eligibility of Army personnel for service medals, badges, appurtenances, and acceptance of foreign decorations.

(1) Prescribes procedures and provides informational services pertaining to benefits, emoluments, and privileges accruing to Army personnel and their dependents, and controls authorization for issuance of orders entitling Army personnel to incentive pay in accordance with provisions of the Career Compensation Act

(m) Administers the permanent and temporary promotion of Army commissioned officers, warrant officers, and enlisted personnel in the active military service.

(n) Prepares regulations governing rendition of efficiency reports on commissioned officers and warrant officers in the active military service, reviews and processes efficiency reports, and accom-plishes determinations on appeal cases.

(o) Maintains personnel files of Army personnel in the active military service, of Army retired personnel, and of personnel of the Army Reserve not in the active military service, and files of service numbers and monthly personnel rosters, performing the following functions in connection therewith:

(1) Provides military and medical information from files to governmental agencies and persons authorized to re-

ceive such information.

(2) Prepares new personnel records, or certifications thereof, in lieu of missing or destroyed records.

(p) Develops procedures for identifi-cation and classification of Army jobs to facilitate effective utilization of manpower.

(q) Develops procedures pertaining to personnel utilization, qualitative distribution of personnel among branches of the Army, occurrence and requirement rates for military specialists, maintenance of personnel records, and the reception and separation processing of personnel.

(r) Develops personnel testing and rating methods, and techniques for selection, of personnel for specific training and duty assignments.

(s) Prescribes procedures governing administration of personnel of the Army

Reserve, including:

(1) Administration of the appointment, reapointment, promotion, and transfer of commissioned officers and warrant officers in the Army Reserve and National Guard of the United States.

(2) Administration of the ordering of officers and warrant officers of the reserve components into active military service as individuals.

(3) Maintenance of the current status of officers and warrant officers of the Army Reserve not in the active military service.

(4) Administration of personnel policies pertaining to enlisted members of the Army Reserves not in the active military service.

(t) Directs and controls the operation of personnel research and development activities assigned to the command of The Adjutant General.

(vi) Special Services Division. (a) Implements plans, policies, and programs pertaining to recreational activities and facilities for military personnel of the Army Establishment, including:

Army libraries.

(2) Army service clubs.

(3) Soldier music, soldier show and crafts programs.

(4) Army sports.

- (b) Determines requirements for Special Services supplies and equipment, and coordinates procurement and distribution of Special Services supply items.
- (c) Plans and supervises Army-wide contests in recreational fields of interest, and Army participation in inter-service and international sports competitions.

(d) Administers the training, and promulgates policies pertaining to the utilization, of Army bands.

(e) Plans, obtains, and supervises professional entertainment for personnel of the Armed Forces.

(f) Determines recreational needs of. military personnel in civilian communities within the continental United States, encourages local community organizations to provide such services, and advises military commanders on the utilization of community services.

(g) Performs fiscal administration for Special Services appropriated funds.

(h) Develops Special Services mobilization and war plans, coordinates development and implementation of Special Services training doctrine and programs, and supervises Special Services Army Reserve and unit training.

(i) Establishes qualifications for civilian recreational personnel and advisers, and coordinates recruitment, selection and assignment of these personnel.

Ll WM. E. BERGIN, Major General, U. S. Army, [SEAL] The Adjutant General.

[F. R. Doc. 53-705; Filed, Jan. 21, 1953; o 8:53 a. m.]

DEPARTMENT OF STATE

[Public Notice 121; Delegation of Authority 42A 1]

CHIEF. EXCHANGE OF PERSONS BRANCH. OFFICE OF THE UNITED STATES HIGH COMMISSIONER FOR GERMANY

DELEGATION OF AUTHORITY WITH RESPECT TO GRANTS FOR EXCHANGE OF PERSONS PROGRAMS

Pursuant to authority contained in section 4 of Public Law 73, 81st Congress: It is hereby ordered, That the Chief, Exchange of Persons Branch, Office of

the United States High Commissioner for Germany, is authorized to make, amend or terminate grants: (a) To German students, trainees, teachers, guest instructors, professors and leaders in fields of specialized knowledge or skill, (b) to teachers, guest instructors, professors and leaders in fields of specialized knowledge and skill from other European countries, and (c) to German private or Governmental agencies or institutions, for the purpose of carrying out exchange of persons programs between Germany and other European countries administered or serviced by the Office of the United States High Commissioner for Germany under authority vested in the Department of State.

Date issued: January 6, 1953.

This delegation is effective as of December 1, 1952.

For the Secretary of State.

CARLISLE H. HUMELSINE, Deputy Under Secretary for Administration.

[F. R. Doc. 53-667; Filed, Jan. 21, 1953; 8:46 a. m.1

DEPARTMENT OF THE INTERIOR

Bureau of Land Management [Amdt. 1]

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 29

JANUARY 13, 1953.

By reason of a surveying error the land description set forth in Small Tract Classification Order No. 29, of August 2, 1950 (15 F. R. 5175), was incorrect. Accordingly, based upon an official dependant resurvey and subdivision of sections and survey of Randall Island, Township 17 North, Range 3 West, Seward Meridian, dated April 30, 1952; and

Pursuant to the delegation of authority from the Regional Administrator, Bureau of Land Management, Region VII, by Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior on August 20, 1951 (16 F. R. 8625), Small Tract Classification Order No. 29, dated August 2, 1950, is hereby amended in the following respects:

1. The land description contained in said Order is amended to read as follows:

FOR LEASE AND SALE

FOR HOME AND CABIN SITES

Seward Meridian

T. 17 N., R. 3 W.

Section 20:

Lots 20-26 incl.,

Lots 28-31 incl., Lots 33-34 incl.,

Lots 39-44 incl.,

Lots 46-49 incl.,

embracing approximately 112.64 acres of public lands in the Anchorage, Alaska Land District.

2. This amendment shall take effect immediately, subject to valid existing rights and the provisions of existing withdrawals, including the provisions of

Public Land Order 735, dated July 26, 1951 (16 F. R. 7571).

> L. T. MAIN. Acting Chief. Division of Land Planning.

[F. R. Doc. 53-665; Filed, Jan. 21, 1953; 8:46 a. m.1

DEPARTMENT OF AGRICULTURE

Forest Service

LOLO NATIONAL FOREST, MONTANA; FORT MISSOULA DISTRICT

GENERAL PLANS FOR ADMINISTRATION

- 1. Pursuant to the provisions of section 9 of the act of Congress approved June 7, 1924 (43 Stat. 655; 16 U.S.C. Secs. 471, 505) and of Executive Orders Nos. 4503 and 10403 dated September 2, 1926, as amended by Executive Order No. 5761 dated December 16, 1931, and November 5, 1952, respectively, issued pursuant thereto, the following general plans for the administration of the Fort Missoula District of the Lolo National Forest, Montana, are hereby promul-gated for the information and guidance of all concerned. These plans shall be applicable to all of the lands described in said orders. Rules and regulations governing the administration of the Fort Missoula District of the Lolo National Forest are being concurrently promulgated.
- 2. The Department of Agriculture, through the agency of the Forest Service, will administer the said Fort Missoula District for the purpose of developing and utilizing its natural resources, including timber, forage, fish, game, recreation and all other natural resources in accordance with the laws of the United States governing the national forests: Provided, however That contracts, leases or other commitments of the Department of the Army presently outstanding affecting or involving any lands, timber or minerals within the described area, shall continued in force and effect until terminated, modified or otherwise disposed of by the Department of the Army, that any contracts of the Army for utilization of timber or forage will be terminated as promptly as the terms thereof permit so that the said resources can be managed by the Forest Service: And provided further, That the Department of the Army will retain unhampered use of the affected property for purposes of national defense.
- 3. Subject to the provisions of said Executive Orders Nos. 4503, as amended by Executive Order No. 5761 dated December 16, 1931, and 10403, the Department of Agriculture will enforce the applicable laws of the United States governing the administration of the National Forest and the protection of its resources.
- 4. The Forest Service will administer the Fort Missoula District through the Forest Supervisor of Lolo National Forest, stationed at Missoula, Montana, and the organization working under his direction. In all matters mutually affecting the administration of the said District as established by said Executive Orders Nos. 4503, as amended by Execu-

¹ Supersedes Delegation of Authority No. 42, dated August 23, 1951, published as Public Notice No. 100 in the Federal Register for September 7, 1951 (16 F. R. 9099), and Delegation of Authority No. 21, dated May 22, 1950, published as Public Notice No. 47 in the FEDERAL REGISTER for May 30, 1950 (15 F. R. 3400).

tive Order No. 5761 dated December 16, 1931, and 10403, and the military establishment in this area, the Commanding Officer, Fort Missoula Military Reservation, or other local military authority having jurisdiction over military use of said reservation, and the Forest Supervisor are authorized to deal directly with or through each other, provided that neither the Commanding Officer (or the aforesaid other military authority) nor the Forest Supervisor shall have authority to modify the plans herein set forth. However, the Department of the Army will retain unhampered use of the affected property for purposes of national defense.

5. The Department of Agriculture shall regulate all forms of use and occupancy of lands and resources within the Fort Missoula District of the Lolo National Forest: Provided, That all contracts, agreements, leases or permits governing such uses or occupancies shall adequately provide by stipulation or condition that the Department of the Army will retain unhampered use of the affected property for purposes of national defense and that such unhampered use shall not constitute grounds for damages, and shall further provide for the release of the United States from any claims for personal injuries and property damage arising from or incident to military operations, howsoever such damages may be caused.

6. No easements for rights-of-way shall be granted by either Department without the formal concurrence of the

other Department.

7. All revenues arising from the sale or use of natural resources within the Fort Missoula District of the Lolo National Forest shall be paid to the Regional Fiscal Agent. U. S. Forest Service. Federal Building, Missoula, Montana, or such other depository as may be designated, for deposit to the credit of the Forest Reserve Fund. As soon as practicable after the close of each fiscal year. the appropriate Department of the Army representative shall be advised in writing of the amounts of such revenues, classified by sources, received from said District during the previous fiscal year and the value of any resources or materials furnished without charge to the Department of the Army.

8. These general plans may be modified only with concurrent approval of the Secretary of the Army and the Sec-

retary of Agriculture.

9. The use of the forest area by the Department of the Army for training or maneuver purposes will be arranged and jointly agreed upon by the Commanding Officer-of the military reservation and the Forest Supervisor. Such use will be so exercised as to hold damage to soil, forest growth, plantations or improvements to a minimum.

10. The rules, regulations and general plans approved by the Secretary of War on August 31, 1926, and by the Acting Secretary of Agriculture on August 18, 1926, relating to the area covered by Executive Order 4503, approved September 2, 1926, as amended by Executive Order No. 5761 dated December 16, 1931, are hereby rescinded, and the general

plans herein stated shall govern the administration of the areas described in Executive Orders Nos. 4503, as amended by Executive Order No. 5761 dated December 16, 1931, and 10403.

Approved: December 3, 1952.

SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

Approved: January 5, 1953.

Frank Pace, Jr., Secretary of the Army.

[F. R. Doc. 53-679; Filed, Jan. 21, 1953; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

Annual Survey of Inventories and Sales of Retail Establishments

NOTICE OF DETERMINATION

In conformity with the act of Congress approved June 19, 1948, 62 Stat. 478, and due notice of consideration having been published (17 F R. 10891, December 2, 1952) pursuant to said act, I have determined that annual data relating to retail trade establishments are needed to aid the efficient performance of essential governmental functions, and have significant application to the needs of the public and industry and are not publicly available from non-governmental or other governmental sources.

Retail Trade, as the outlet for the products of industry, mining, and agriculture, is of strategic importance in the economy of this country and information such as the amount of merchandise inventories on hand in retail stores, and retail multiunit warehouses, sales-inventory ratios by kinds of retail stores, and the amount of charge account and instalment plan receivables due retail stores at the end of the year, are basic to an analysis of the functioning of the economy. Such agencies as the Office of Business Economics and the Board of Governors of the Federal Reserve System require inventory data and the amount of outstanding credit for retail stores in appraising the business outlook and in connection with the review of credit policies. Data on the amount and trend of retail inventories, together with figures on other major elements of business investment, are needed for the measurement of the gross national product.

Business and industry also are interested in the inventory measures as indicators of the outlook for business activity and as tools for the promotion of business efficiency and stability. Retailers can make use of the sales-inventory ratios, derived from the survey, as benchmarks to which their own operation can be related.

The annual survey will collect information from (1) a group of stores selected on the basis of their sales-size and/or location in Census Sample Areas, (2) retail organizations which operate stores outside Census Sample Areas, but whose headquarters are located therein, and (3) a group of the largest individual stores, and the largest retail organizations in terms of number of stores op-

erated, regardless of their location. Information will be collected annually covering each preceding calendar year. Report forms will be furnished to firms covered by the survey. Additional copies of the forms are available on request to the Director of the Census, Washington 25, D. C.

I have therefore directed that an annual survey be conducted for the purpose of collecting these data.

[SEAL]

ROY V PEEL, Director

Approved:

Charles Sawyer, Secretary of Commerce.

[F. R. Doc. 53-677; Filed, Jan. 21, 1953; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1142, G-1158, G-1508, G-1951, G-2019, G-2024, G-2074, G-2097]

UNITED GAS PIPE LINE CO. ET AL.

ORDER DENYING REQUESTED POSTPONEMENTS AND GRANTING OTHER POSTPONEMENTS OF ORAL ARGUMENT AND HEARING

JANUARY 14, 1953,

In the matters of United Gas Pipo Line Company, Docket Nos. G-1142, G-1508, G-2019, G-2074, Docket No. G-1951, Docket No. G-2097; Willmut Gas & Oil Company, et al., v. United Gas Pipo Line Company, Docket No. G-1158; Missussippi River Fuel Corporation, Complainant, v. United Gas Pipe Line Company, Defendant, Docket No. G-2024.

On January 12, 1953, United Gas Pipe Line Company (United), respondent in the proceeding upon the complaint of Willmut Gas & Oil Company, et al., at Docket No. G-1158, filed a motion in that proceeding requesting postponement of the oral argument scheduled for January 30, 1953, for thirty days.

30, 1953, for thirty days.
Simultaneously United filed another motion requesting a postponement of thirty days of the hearing scheduled for January 26, 1953, in the consolidated proceedings at Docket Nos. G-2097 and

G-2024.

In support of its motions, United represents that in addition to the above-mentioned oral argument and hearing, an oral argument before the Commission, involving United and its same counsel, is scheduled for January 28, 1953, at Docket No. G-1951, and a hearing-is scheduled to commence on February 2, 1953, in the consolidated proceedings at Docket Nos. G-1142, G-1508, G-2019, and G-2074. United also shows that it is presently engaged in hearings before the Louisiana Public Service Commission.

United states that the necessary preparatory work with respect to the aboveentitled proceedings is so voluminous that United's counsel will be severely handicapped in the presentation of evidence or argument therein unless the postponements sought are granted.

In view of the representations made by United in its aforesaid motions, it appears that some postponements are necessary. However, upon consideration of the orderly dispatch of the Commission's public business, it appears more appropriate to deny the requested postpone-

heremafter ordered.

The Commission finds: The motions filed on January 12, 1953, by United Gas Pipe Line Company requesting that the proceedings at Docket No. G-1158 and at Docket Nos. G-2097 and G-2024 be postponed for a period of at least thirty days should be denied, and that in lieu thereof the postponements heremafter ordered be granted.

The Commission orders:

(A) The motions filed at Docket No. G-1158 and at Docket Nos. G-2097 and G-2024 by United Gas Pipe Line Company on January 12, 1953, be and the same are hereby denied.

(B) The oral argument in the proceeding at Docket No. G-1951 now scheduled for January 28, 1953, be and the same hereby is postponed to January 30, 1953, at the place and hour heretofore designated in the order issued therein on December 18, 1952.

(C) The oral argument in the proceeding at Docket No. G-1158 now sched-uled for January 30, 1953, be and the same hereby is postponed to February 13, 1953, at the place and hour heretofore designated in the order issued therein on January 7, 1953.

(D) The hearing in the consolidated proceedings at Docket Nos. G-1142, G-1508, G-2019, and G-2074 now scheduled for February 2, 1953, be and the same hereby is further postponed to March 3, 1953, at the place and hour heretofore designated in the order issued therein on December 11, 1952.

Date of issuance: January 15, 1953.

By the Commission.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-700; Filed, Jan. 21, 1953; 8:52 a. m.1

[Docket No. G-1974]

CITIES SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDER

JANUARY 15, 1953.

Notice is hereby given that, on January 14, 1953; the Federal Power Commission issued its order, entered January 13, 1953, issuing certificate of public convenience and necessity, in the above entitled matter.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-668; Filed, Jan. 21, 1953; 8:46 a. m.]

> [Docket No. G-1979] Arkansas' Louisiana Gas Co. ORDER FIXING DATE OF HEARING

> > JANUARY 15, 1953.

On June 23, 1952, Arkansas Louisiana Gas Company (Applicant) a Delaware corporation having its principal office in Shreveport, Louisiana, filed an application supplemented by additional data filed September 5, 1952, and October 6,

ments and grant the postponements 1952, respectively, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of (1) 6 miles of 12-inch lateral line looping its existing line "LM-2" extending from the Company's existing main line system at Perla, Arkansas, to the Lake Catherine Electric Generating Station of Arkansas Power & Light Company, (2) a new 7,500 HP compressor station (designated as the Beirne Station) to be located on Applicant's exist-ing main 20-inch line "S" in Clark County, Arkansas, and (3) additional check meter facilities at Arkansas Louisiana's Perla Regulating Station and additional scrubber facilities on its pipe line at the Lake Catherine Plant to replace other inadequate scrubber facilities located there.

Temporary authorization to construct and operate the 7,500 HP compressor station referred to in (2) above was granted by the Commission on November 10, 1952,

Due notice of filing such application has been given, including publication in the Federal Register on July 10, 1952 (17 F. R. 6208).

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing on March 2, 1953, at 10:00 a.m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., con-cerning the matters involved and the issues presented by the application, and supplementary data.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and

procedure.

Date of issuance: January 15, 1953.

By the Commission.

[SEAL]

LEON M. FUOUAY. Secretary.

[F. R. Doc. 53-701; Filed, Jan. 21, 1953; 8:52 a. m.]

[Docket No. G-2103]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION

JANUARY 15, 1953.

Take notice that Tennessee Gas Transmission Company (Applicant), a Delaware corporation having its principal place of business at Houston, Texas, filed on January 12, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act.

Applicant seeks authority to increase its daily deliveries of natural gas to Northeastern Gas Transmission Company (Northeastern) from the presently authorized maximum of 220,000 Mcf per day established by the Commission's

order of June 19, 1952, in Docket No. G-1573, to 433,000 Mcf per day. No additional service to existing markets. other than Northeastern, or service to new markets is proposed.

Applicant proposes to transport such increased quantity of natural gas to be sold to Northeastern through its presently certificated facilities and does not contemplate additional construction or acquisition of facilities in connection with this application.

The additional quantity of natural gas is required by Northeastern to meet the requirements of several markets in New England which it seeks authority to serve in its application in Docket No. G-1568.

The application is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Federal Power Commission rules of practice and procedure, § 1.8 or 1.10 (18 CFR 1.8 or 1.10) on or before the 5th day of February 1953.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-703; Filed, Jan. 21, 1953; 8:53 a. m.]

[Docket No. G-2110] AMERE GAS UTILITIES CO. ORDER SUSPENDING PROPOSED RATE SCHEDULES

JANUARY 15, 1953.

On December 16, 1952, Amere Gas Utilities Company (Amere) filed its FPC Gas Tariff, First Revised Volume No. 1, containing increased rates and charges which are proposed to be made effective as of January 16, 1953.

Said increased rates and charges would result in an estimated increase of \$32,-662, or 32 percent, in the rates and charges presently effective for sales to the Bluefield Gas Company (Bluefield), which is the only wholesale customer of Amere to which the increased rates and charges are applicable, based on estimated sales for the twelve-month period ending October 31, 1953.

The proposed increase in rates and charges is, among other things, based primarily on claimed increases in cost of gas purchased which may not be realized; and upon a claimed rate of return of 61/2 percent fee which no support is supplied.

The increased rates and charges provided in said proposed FPC Gas Tariff, First Revised Volume No. 1, as filed on December 16, 1952, have not been shown to be justified and may be unjust or unreasonable, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such Act, concerning the lawfulness of Amere's FPC Gas Tariff, First Revised Volume No. 1, and that said First Revised Volume No. 1 and the rate schedules therein contained be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of the rates, charges, and classifications contained in the aforesaid Amere Gas Company's FPC Gas Tariff, First Revised Volume No. 1.

(B) Pending such hearing and decision thereon, Amere's FPC Gas Tariff. First Revised Volume No 1, be and the same is hereby suspended and the use thereof is deferred until June 16, 1953, and until such further time thereafter as said proposed FPC Gas Tariff, First Revised Volume No. 1, may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: January 15, 1953. By the Commission

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-702; Filed, Jan. 21, 1953; 8:53 a. m.1

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-177, 59-91]

PENNSYLVANIA GAS & ELECTRIC CORP. ET AL.

ORDER RELEASING JURISDICTION WITH RESPECT TO EXCHANGE AGENT

JANUARY 15, 1953.

In the matter of Pennsylvania Gas & Electric Corporation, North Penn Gas Company, Crystal City Gas Company, Penn-Western Service Corporation, Applicants; File No. 54-177; Pennsylvania Gas & Electric Corporation and its subsidiary companies, respondents; File No. 59-91.

The Commission, on December 15, 1952, having issued its order (Holding Company Act Release No. 11600) approving an Amended Plan under section 11 (e) of the act submitted by Pennsylvania Gas & Electric Corporation ("Penn Corp") a registered holding company, providing for the liquidation and dissolution of Penn Corp and for certain related transactions;

Said Amended Plan having been approved subject to certain terms and conditions and reservations of jurisdiction, as set forth in such order, including a reservation of jurisdiction with respect to the selection of an exchange agent by Penn Corp;

It appearing from the record that Penn Corp has invited proposals by four New York City banks as to their charges for rendering the services required of such exchange agent in connection with carrying out Penn Corp's Amended Plan, and that after comparing the proposals submitted by the aforesaid banks Penn Corp determined that the terms proposed by the Bank of the Manhattan Company would be the most favorable; and Penn Corp having proposed to appoint said bank as its exchange agent under its Amended Plan;

The Commission having considered the record and having concluded that it is appropriate for Penn Corp to appoint the Bank of the Manhattan Company as its exchange agent under its Amended Plan and that the jurisdiction heretofore reserved with respect thereto should be released:

It is ordered, That the jurisdiction heretofore reserved with respect to the selection of an exchange agent by Penn Corp be, and hereby is, released:

By the Commission.

[SEAT.] ORVAL L. DUBOIS, Secretary.

[F. R. Doc. 53-678; Filed, Jan. 21, 1953; 8:49 a. m.]

SMALL DEFENSE PLANTS **ADMINISTRATION**

[S. D. P. A. Pool Request No. 10]

ADDITIONAL COMPANY ACCEPTING REQUEST TO PARTICIPATE IN THE OPERATIONS OF THE WOODWORKING DEFENSE PRODUC-TION POOL OF NEW YORK AREA

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the name of the following company which has accepted the request to participate in the operations of the Woodworking Defense Production Pool of New York Area is herewith published. The original list of companies accepting such request was published on June 3, 1952, in 17 F.R.

Empire Millwork Corp., Northern and Willets Point Boulevards, Corona, N. Y.

(Sec. 708, 64 Stat. 818, Pub. Law 96, as amended by Pub. Law 429, 82d Cong., 50 U. S. C. App. 2158; E. O. 10370, July 7, 1952, 17.F. R. 6141)

Dated: January 16, 1953.

JOHN E. HORNE, Administrator

[F. R. Doc. 53-713; Filed, Jan. 21, 1953; 8:54 a. m.]

[S. D. P. A. Pool Request No. 11]

ADDITIONAL COMPANY ACCEPTING REQUEST TO PARTICIPATE IN THE OPERATIONS OF THE ENGRAVERS PRODUCTION GROUP OF NEW YORK

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the name of the following company which has accepted the request to participate in the operations of the Engravers Production Group of New York is herewith published. The original list of campames accepting such request was published on May 17, 1952, in 17 F R. 4544:

James F. Newcomb Co., Inc., 345 Hudson Street, New York 14, N. Y.

(Sec. 708, 64 Stat. 818, Pub. Law 96, as amended by Pub. Law 429, 82d Cong.; 50 U. S. C. App. 2158; E. O. 10370, July 7, 1952, 17 F. R. 6141)

Dated: January 16, 1953.

JOHN E. HORNE, Administrator

IF. R. Doc. 53-714; Filed, Jan. 21, 1953; 8:55 a. m.]

[S. D. P A. Pool Request No. 12]

Additional Companies Accepting Re-QUEST TO PARTICIPATE IN THE OPERA-TIONS OF THE SMALL MANUFACTURERS COOPERATIVE OF BRIDGEPORT, CONNECTI-

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the names of the following companies which have accepted the request to participate in the operations of the Small Manufacturers Cooperative of Bridgeport, Connecticut, is herewith published. The original list of companies accepting such request was published on February 16, 1952, in 17 F R. 1509

Aynesworth Co., Inc., 29 Federal Street, Bridgeport, Conn.

Bridgeport Tool & Die Corp., 35 Burr Court, Bridgeport, Conn.

Plastic Molding Corp., Sandy Hook, Conn. Seymour-Sheridan Manufacturing Co., 264 Seymour Street, Stratford, Conn.

(Sec. 708, 64 Stat. 818, Pub. Law 96, as amended by Pub. Law 429, 82d Cong., 50 U. S. C. App. 2158; E. O. 10370, July 7, 1952, 17 F. R. 6141)

Dated: January 16, 1953.

John E. Horne, Administrator

[F. R. Doc. 53-715; Filed, Jan. 21, 1953; 8:55 a. m.1

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

CERTAIN REGIONS

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24 were filed with the Division of the Federal Register on December 31, 1952.

REGION X

New Orleans Order I-G1-3, filed 3:21 p. m., New Orleans Order I-G1-3, filed 3:21 p. m., I-G2-3, filed 3:21 p. m., I-G3-3, filed 3:21 p. m., I-G4-3, filed 3:21 p. m., I-G4-2, filed 3:21 p. m., I-G4-2, amendment 4, filed 3:27 p. m., I-G3-2, amendment 4, filed 3:27 p. m., I-G3-2, amendment 4, filed 3:28 p. m., I-G4-1, amendment 4, filed 3:28 p. m., Dallas Order I-G1-2, amendment 4, filed 3:28 p. m.

3:22 p. m., I-G2-2, amendment 4, filed 3:22 p. m., I-G3A-2, amendment 4, filed 3:22 p. m., I-G3-2, amendment 5, filed 3:22 p. m.,

p. m., I-G3-2, amendment 5, filed 3:22 p. m., I-G4-2, amendment 5, filed 3:23 p. m., I-G4A-1, amendment 4, filed 3:23 p. m.
Little Rock Order I-G1-3, filed 3:23 p. m., I-G2-3, filed 3:23 p. m., I-G3-3, filed 3:23 p. m., I-G3-3, filed 3:23 p. m., I-G4-3, filed 3:24 p. m., I-G4A-3, filed 3:24 p. m.
Öklahoma City Order I-G1-3, filed 3:24 p. m., I-G2-3, filed 3:25 p. m.; I-G4-3, filed 3:25 p. m.; I-G4-3, filed 3:25 p. m.

3:25 p. m.

San Antonio Order I-G1-3, filed 3:26 p. m. I-G2-3, filed 3:26 p. m., I-G3-3, filed 3:26

p. m., I-G3A-3, filed 3:26 p. m., I-G4-3, filed 3:26 p. m., I-G4A-2, filed 3:26 p. m., I-G1-3, 3:26 p. m., I-G4A-2, filed 3:26 p. m., I-G1-3, amendment 1, filed 3:26 p. m., I-G2-3, amendment 1, filed 3:27 p. m., I-G3-3, amendment 1, filed 3:27 p. m., I-G3A-3, amendment 1, filed 3:27 p. m., I-G4A-1, amendment 2, filed 3:27 p. m., I-G4A-1, amendment 2, filed 3:27 p. m., I-G4A-2, amendment 1, filed 3:27 p. m.

Houston Order II-G1-1, amendment 4, filed 3:28 p. m.

REGION XI

Cheyenne Order I-G1-3, filed 3:29 p. m., I-G2-3, filed 3:29 p. m., I-G4-3, filed 3:29 p. m., I-G4A-3, filed 3:30 p. m., II-G4-1, amendment 3, filed 3:30 p. m., III-G4-1, amendment 1, filed 3:30 p. m.

Denver Order I-G1-2, amendment 2, filed

3:30 p. m., I-G2-2, amendment 2, filed 3:30 p. m., I-G4-2, amendment 2, filed 3:30 p. m., II-G1-1, amendment 1, filed 3:31 p. m., II-G2-1, amendment 1, filed 3:31 p. m., II-G2-1, amendment 1, filed 3:31 p. m., III-G1-1, amendment 1, filed 3:31 p. m., III-G1-1, amendment 1, filed 3:31 p. m., III-G2-1, amendment 1, filed 3:31 p. m., IV-G1-1, amendment 1, filed 3:32 p. m., IV-G2-1, amendment 1, filed 3:32 p. m., V-G1-1, amendment 1, filed 3:32 p. m., V-G2-1, amendment 1, filed 3:32 p. m.; II-G4-1, filed 3:31 p.m., IV-G1-1, filed 3:32 p.m., IV-G2-1, filed 3:32 p. m., V-G1-1, filed 3:33 p. m., V-G2-1, filed 3:33 p. m.

Albuquerque Order I-G2-3, filed 3:33 p. m., I-G1-2, amendment 1, filed 3:34 p. m., amendment 2, filed 3:34 p. m., I-G1-2. amendment 1, filed amendment 2, filed filed 3:34 p. m., I-G2-2. I-G2-2, 3:34 p. m., amendment 1, filed 3:34 p. m., amendment 2, filed 3:34 p. m. I-G4-2,

REGION XII

Phoenix Order II-G1-1, filed 3:35 p. m., II-G2-1, filed 3:35 p.m., II-G3A-1, filed 3:35 p. m., II-G4A-1, filed 3:35 p. m., III-G1-1, filed 3:35 p. m., III-G2-1, filed 3:36 p. m., III-G4A-1, filed 3:36 p. m., IV-G3-1, filed 3:36 p. m., IV-G4-1, filed 3:36 p. m., II-G1-1, amendment 1, filed 3:36 p. m., II-G2-1, amendment 1, filed 3:36 p. m., II-G3A-1, amendment 1, filed 3:36 p. m., II-G4A-1, amendment 1, filed 3:37 p. m., III-G1-1, amendment 1, filed 3:37 p. m., III-G2-1, amendment 1, filed 3:37 p. m., III-G4A-1, amendment 1, filed 3:37 p. m., IV-G3-1, amendment 1, filed 3:37 p. m., IV-G4-1, amendment 1, filed 3:38 p. m.

Los Angeles Order III-G1-1, filed 3:38 p. m. III-G2-1, filed 3:38 p. m., III-G4-1, filed 3:38 p. m., IV-G1-1, filed 3:38 p. m., IV-G2-1. filed 3:38 p. m., IV-G4-1, filed 3:38 p. m., I-G1-2, amendment 2, filed 3:38 p. m., I-G2-2, amendment 2, filed 3:39 p. m., I-G3-2, amendment 3, filed 3:39 p. m., I-G4-2, amendment 3, filed 3:39 p. m., I-G4A-2, amendment 2, filed 3:39 p. m., II-G1-2, amendment 3, filed 3:40 p. m., II-G2-2, amendment 3, filed 3:40 p. m., II-G4-2, amendment 3, filed 3:40 p. m., II-G4A-2, amendment 3, filed 3:40 p. m., III-G1-1, amendment 1, filed 3:41 p. m., III-G2-1, amendment 1, filed 3:41 p. m., III-G-4-1, amendment 1, filed 3:41 p. m., IV-G1-1, amendment 1, filed 3:41 p. m., IV-G2-1, amendment 1, filed 3:41 p. m., IV-G4-1, amendment 1, filed 3:42 p. m., I-G1-2, amendment 1, filed 3:42 p. m., I-G2-2, amendment 1, filed 3:42 p. m., I-G3-2, amendment 2, filed 3:43 I-G4-2, amendment 2, filed 3:43 I-G4A-2, amendment 1, filed 3:43 p. m., p. m., p. m., II-G1-2, amendment 2, filed 3:43 p. m., II-G2-2, amendment 2, filed 3:43 p. m., II-G4-2, amendment 2, filed 3:43 p. m., II-G4A-2, amendment 2, filed 3:43 p. m.

REGION XIII

Seattle Order I-G1-2, amendment 5, filed 3:44 p. m., I-G2-2, amendment 5, filed 3:44 p. m., I-G4-2, amendment 5, filed 3:44 p. m.,

I-G4A-2, amendment 5, filed 3:45 p. m., II-G4-1, amendment 5, filed 3:45 p. m., I-G4-1, amendment 3, filed 3:45 p. m.. I-G4-1, amendment 4, filed 3:45 p. m., I-G4-1, amendment 5, filed 3:46 p. m., I-G4-1, amendment 6, filed 3:46 p. m., Spokane Order I-G1-2, filed 3:46 p. m., I-G2-2, filed 3:47 p. m., I-G4A-2, filed 3:47

p. m.

Portland Order I-G1-2, amendment 4, filed 3:47 p. m., I-G2-2, amendment 4, filed 3:48 p. m., I-G3-1, amendment 2, filed 3:43 p. m., J. H., 1-G3-1, intendment 2, filed 3:49 p. m., I-G4A-2, amendment 4, filed 3:49 p. m., III-G4-1, amendment 2, filed 3:49 p. m., III-G4-1, amendment 1, filed 3:49 p. m.,

IV-G4-1, amendment 1, filed 3:49 p. m., Bolse Order II-G1-1, filed 3:50 p. m., II-G2-1, filed 3:50 p. m., II-G4A-1, filed 3:50 p. m., II-G1-1, amendment 1, filed 3:51 p. m., II-G2-1, amendment 1, filed 3:51 p. m., II-G4A-I, amendment 1, filed 3:51 p. m., I-G1-2, amendment 1, filed 3:53 p. m., I-G1-2, filed 3:51 p. m., I-G2-2, filed 3:52 I-G4-2, filed 3:52 p. m., I-G4A-2, filed 3:52 p. m., I-G2-2, amendment 1, filed 3:53 p. m., I-G4-2, amendment 1, filed 3:53 p. m., I-G4A-2, amendment 1, filed 3:53 p. m.

Copies of any of these orders may be obtained in any OPS Office in the designated city.

> JOSEPH L. DWYER, Recording Secretary.

[F. R. Doc. 53-638; Filed, Jan. 15, 1953; 11:41 a. m.]

[Region V, Redelegation of Authority 46, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION V. Atlanta, Ga.

REDELEGATION OF AUTHORITY TO ACT ON AP-PLICATIONS FOR CEILING PRICES OF NEW COMMODITIES BY MANUFACTURERS HAVING ANNUAL SALES OF LESS THAN \$1,000,000 UNDER CPR 161

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region V. Atlanta, Georgia, pursuant to Delegation of Authority 75, Amendment 1 (17 F. R. 11764) this Amendment 1 to Redelegation of Authority No. 46 is hereby issued.

1. Authority is hereby redelegated to the Directors of the Columbia, South Carolina, Jackson, Mississippi; Jacksonville, Florida, Montgomery, Alabama and Nashville, Tennessee District Offices of Price Stabilization to process in the respects indicated herein ceiling price reports or applications for new commodities filed under CPR 161, by manufacturers whose gross sales for their last complete fiscal year of commodities manufactured by them were less than \$1,000,000, or by new manufacturers who do not expect their gross sales to exceed \$1,000,000 during their first complete fiscal year.

(a) To approve, or disapprove proposed ceiling prices for new commodities under sections 3, 4 and 5 of CPR 161.

(b) To issue letter orders as provided in section 6 of CPR 161, establishing ceiling prices of new commodities for which a ceiling price cannot be calculated under sections 3, 4 and 5 of CPR 161.

(c) To issue letter orders disapproving or reducing ceiling prices reported or

proposed as provided in section 9 of CPR 161

(d) To request additional information, as provided in section 15 of CPR 161, where applicants submit proposed ceiling prices for new commodities under sections 3, 4, 5 and 6 of CPR 161.

This Amendment 1 to Redelegation of Authority No. 46 shall take effect as of December 31, 1952.

> CHARLES B. CLEMENT, Director of Regional Office V

JANUARY 16, 1953.

[P. R. Doc. 53-719; Filed, Jan. 16, 1953; 4:50 p. m.]

[Region V, Redelegation of Authority 59]

DIRECTORS OF DISTRICT OFFICES, REGION V. ATLANTA. GA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 3 (C) OF SR 3, AS ALIENDED, TO CPR 34, AS ALIENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 87 (17 F. R. 11764) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama; and Nashville, Tennessee, District Offices of Price Stabilization to process the applications filed under section 3 (c) of Supplementary Regulation 3, as amended, to Ceiling Price Regulation 34, as amended, by sellers of automotive repair service; to issue letter orders permitting such sellers to substitute approved editions, of or supplements to flat rate manuals or labor time schedules in place of altered flat rate manuals or labor time schedules; and to modify the established customers' hourly rates of such sellers.

This redelegation of authority shall take effect as of December 31, 1952.

> CHARLES B. CLEMENT. Director of Regional Office V

JANUARY 16, 1953.

[F. R. Doc. 53-720; Filed, Jan. 16, 1953; 4:51 p. m.]

[Region VI, Redelegation of Authority 43, Amdt. 11

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT ON AP-PLICATIONS FOR CEILING PRICES OF NEW COMMODITIES BY MANUFACTURERS HAVING ANNUAL SALES OF LESS THAN \$1,000,000 UNDER CPR 161

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. VI, pursuant to Delegation of Authority 75, Amendment 1 (17 F. R. 11764) this Amendment 1 to Redelegation of Authority No. 43 (17 F. R. 8788) is hereby issued.

Redelegation of Authority 43 is established customers' hourly rates of amended to read as follows: such sellers.

1. Authority to act under sections 3, 4, 5, 6, 9 and 15 of CPR 161. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Detroit, Michigan, and Louisville, Kentucky to process in the respects indicated herein ceiling price, reports or applications for new commodities filed under CPR 161, by manufacturers whose gross sales for their last complete fiscal year of commodities manufactured by them were less than \$1,000,-000, or by new manufacturers who do not expect their gross sales to exceed \$1,000,000 during their first complete fiscal year.

(a) To approve, or disapprove proposed ceiling prices for new commodities under sections 3, 4, and 5 of CPR 161,

(b) To issue letter orders as provided in section 6 of CPR 161, establishing ceiling prices of new commodities for which a ceiling price cannot be calculated under sections 3, 4, and 5 of CPR 161.

(c) To issue letter orders disapproving or reducing ceiling prices reported or proposed as provided in section 9 of CPR 161,

(d) To request additional information, as provided in section 15 of CPR 161, where applicants submit proposed ceiling prices for new commodities under sections 3, 4, 5 and 6 of CPR 161.

This Amendment 1 to Redelegation of Authority No. 43 shall be effective as of January 9, 1953.

> SYDNEY A. HESSE, Regional Director Region VI.

JANUARY 16, 1953.

[F. R. Doc. 53-721; Filed, Jan. 16, 1953; 4:51 p. m.]

[Region VI, Redelegation of Authority 53] DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 3 (C) OF SR 3, AS AMENDED, TO CPR 34, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. VI, pursuant to Delegation of Authority 87 (17 F R. 11764) this Redelegation of Authority No. 53 is hereby issued.

1. Authority to act under section 3 (c) of Supplementary Regulation 3, as amended, to CPR 34, as amended. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Detroit, Michigan and Louisville. Kentucky to process the applications filed under section 3 (c) of Supplementary Regulation 3, as amended, to Ceiling Price Regulation 34, as amended, by sellers of automotive repair service; to issue letter orders permitting such sellers to substitute approved editions, of or supplements to flat rate manuals or labor time schedules in place of altered flat rate manuals or labor time schedules; and to modify the

This redelegation of authority shall take effect as of January 9, 1953.

> SYDNEY A. HESSE. Regional Director Region VI.

JANUARY 16, 1953.

[F. R. Doc. 53-722; Filed, Jan. 16, 1953; 4:51 p. m.]

REGION V

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24 were filed with the Division of the Federal Register on January 5, 1953.

REGION V

Jacksonville Order I-G1-1, filed 1:51 p. m., Jacksonyme Order 1-G1-1, ned 1:51 p. m., I-G2-1, filed 1:52 p. m., I-G3A-1, filed 1:52 p. m., I-G4-1, filed 1:52 p. m., I-G4-1, filed 1:53 p. m., I-G1-1, amendment 1, filed 1:53 p. m., I-G1-1, amendment 1, filed 1:53 p. m., I-G1-1, amendment 2, filed 1:53 p. m., I-G1-1, amendment 3, filed 1:53 p. m., I-G2-1, amendment 1, filed 1:53 p. m., I-G2-1, amendment 2, filed 1:54 1:54 p. m., amendment 3, I-G2-1, filed p. m., I-G3-1, filed amendment 1, 1:54 p. m., I-G3-1, amendment 2, filed p. m., I-G3-1, amendment 3, filed 1:55 m., I-G3-1, amendment 4, filed 1:55 p. m., I-G3A-1, amendment 1, filed 1:55 p. m., I-G3A-1, amendment 2, filed 1:56 p. m., I-G4-1, amendment 1, filed p. m., 1:56 I-G4-1, amendment 2, filed 1:56 Ī-G4**-**1, amendment 3, filed 1:56 p. m., I-G4-1, amendment 4, filed 1:57 p. m.. I-G4A-1, amendment 1, filed 1:57 p. m., I-G4A-1, amendment 2, filed 1:57 p. m., I-G4A-1, amendment 3, filed 1:57 p. m., I-G1-2, filed 1:58 p. m., I-G2-2, filed 1:58 p. m., I-G3-2, filed 1:59 p. m., I-G3A-2, filed 1:59 p. m., I-G4-2, filed 1:59 p. m., I-G4A-2, filed 1:59 p. m., I-G1-2, amendment 1, filed 1:59 p. m., I-G1-2, amendment 2, filed 2:00 p. m., I-G1-2, amendment 3, filed 2:00 p. m., I-G1-2, amendment 4, filed 2:00 p. m., I-G2-2, amendment 1, filed 2:01 p. m., I-G2-2, amendment 2. filed 2:01 p. m. T--G2-2, amendment 2, filed 2:01 p. m., I-G2-2, amendment 3, filed 2:01 p. m.; I-G2-2, amendment 4, filed 2:01 p. m., I-G3-2, amendment 1, filed 2:02 p. m., amendment 2, filed 2:02 p. m., I-G3-2. p. m., I-G3-2. filed 2:02 p. m., I-G3-2, filed 2:02 p. m., I-G3A-2, amendment 3, amendment 4, filed 2:03 p. m., amendment 1. I-G3A-2. filed 2:03 p. m., I-G3A-2, amendment 2. filed 2:03 p. m., I-G3A-2, amendment 3. amendment filed 2:03 I-G4-2, p. m., amendment 1, filed 2:04 p. m., I-G4-2, amendment filed 2:04 p. m., I-G4-2 filed 2:04 p. m., I-G4-2, filed 2:04 p. m., I-G4A-2, amendment 3. amendment amendment 1, filed 2:05 p. m., I-G4A-2, filed 2:05 p. m., amendment 2, I-G4A-2, filed 2:05 p. m., amendment 3. I-G4A-2, filed 2:06 amendment 4. p. m., II-G1-1. 2:06 p. m., II-G1-1, amendment filed filed 2:06 p. m., II-G1-1, amendment filed 2:06 filed 2:07 amendment 3 p. m., II-G2-1, p. m., II-G2-1, amendment filed 2:07 p. m., II-G2-1, filed 2:07 p. m., II-G4A-1, amendment 2. amendment 3, filed 2:07 p. m., II-G4A-1, amendment 1, amendment 2, filed 2:08 p. m., II-G4A-1, amendment 3, filed 2:08 p. m., II-G1-2, p. m., II-G1-2, filed 2:08 p. m., amendment 1, filed 2:09 II-G1-2, amendment 2. p., m., amendment 3, filed 2:09 p. m., II-G2-2, amendment 1, filed 2:09 p. m., amendment 2, filed 2:09 p. m., filed 2:09 p. m., II-G2-2, II-G2-2 amendment 3, filed 2:10 p. m., II-G4A-2, amendment 1, filed 2:10 p. m., II-G4A-2,

amendment 2, filed 2:10 p. m., III-G1-1, amendment 1, amendment 2. filed 2:10 p. m., III-G1-1 filed 2:11 p. m., III-G1-1, amendment filed 2:11 p. m., III-G2-1, filed 2:11 p. m., III-G2-1, amendment 3, amendment 1, amendment 1, filed 2:11 p. m., III-G2-1, amendment 2, filed 2:11 p. m., III-G2-1, amendment 3, filed 2:12 p. m., III-G4A-1, amendment 1, filed 2:12 p. m., III-G4A-1, amendment 2, filed 2:12 p. m., III-G4A-1, amendment 1, filed 2:13 p. m., III-G1-2, amendment 1, filed 2:13 p. m., III-G1-3, amendment 2, filed 2:13 p. m., III amendment 2. filed 2:13 p. m., III-G1-2, filed 2:14 p. m., III-G1-2, amendment 3. filed 2:14 p. m., III-G2-2, amendment amendment 1, filed 2:14 p. m., III-G2-2, amendment 2, filed 2:15 p. m., III-G2-2, filed 2:15 p. m., III-G2-2, filed 2:15 p. m., III-G4A-2, amendment 3. amendment amendment 1, filed 2:15 p. m., III-G4A-2, amendment 2, filed 2:16 p. m., III-G4A-2, amendment 3, filed 2:16 p. m., III-G4A-2, amendment 4, filed 2:16 p. m., IV-G1-1, amendment 1, filed 2:16 p. m., IV-G1-1. amendment 3, amendment 2, filed 2:17 p. m., IV-G1-1, amendment 3, filed 2:17 p. m., IV-G2-1, filed 2:17 p. m., IV-G2-1, amendment 1, filed 2:17 p. m., IV-G2-1, filed 2:18 p. m., IV-G4A-1, amendment 2. amendment 3. amendment 1, filed 2:18 p. m., IV-G4A-1, amendment 2, filed 2:18 p. m., IV-G4A-1, amendment 3, filed 2:19 p. m., IV-G1-2, amendment 1. filed 2:19 p. m., IV-G1-2, filed 2:19 p. m., IV-G1-2, amendment 2. amendment 3, filed 2:19 p. m., IV-G1-2, amendment 4, filed 2:19 p. m., IV-G2-2, amendment 1, filed 2:20 p. m., IV-G2-2. amendment 2, filed 2:20 p. m., IV-G2-2, amendment 3, filed 2:20 p. m., IV-G2-2, amendment 3, filed 2:20 p. m., IV-G2-2, amendment 4, filed 2:20 p. m., I-G1-3, filed 2:21 p. m., I-G2-3, filed 2:21 p. m., I-G3-3, filed 2:21 p. m., I-G3-3, filed 2:21 p. m., I-G3A-3, filed 2:21 p. m., I-G4A-3, filed 2:22 p. m., II-G4A-3, filed 2:22 p. m., II-G2-3, filed 2:22 p. m., II-G2-3, filed 2:22 p. m., III-G4A-3, filed 2:22 p. m., III-G4-3, filed 2:23 p. m., III-G2-3, filed 2:23 p. m., III-G4A-3, filed 2:23 p. m., IV-G1-3, filed 2:23 p. m., IV-G2-3, filed 2:23 p. m.

Copies of any of these orders may be obtained in any OPS office in the designated city.

> JOSEPH L. DWYER, Recording Secretary.

[F. R. Doc. 53-718; Filed, Jan. 16, 1953; 4:50 p. m.]

[Region VIII, Redelegation of Authority 46, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES OF NEW COMMODITIES BY MANUFACTURERS HAVING ANNUAL SALES OF LESS THAN \$1,000,000 UNDER CPR 161

By virtue of the authority vested in mo as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Amendment 1 to Delegation of Authority No. 75, dated December 24, 1952 (17 F. R. 11764) this Amendment 1 to Redelegation of Authority No. 46 (17 F.R. 10424) is hereby issued.

Paragraph 1 of Redelegation of Authority No. 46 is amended to read as follows:

1. Authority to act under sections 3, 4, 5, 6, 9, and 15 of CPR 161. Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to process in the respects indicated herein ceiling price reports or applications for new commodities filed under CPR 161, by manufacturers whose gross sales for their last complete fiscal year of commodities manufactured by them were less than \$1,000,000, or by new manufacturers who do not expect their gross sales to exceed \$1,000,000 during their first complete fiscal year.

(a) To approve, or disapprove proposed ceiling prices for new commodities under sections 3, 4 and 5 of CPR 161,

- (b) To issue letter orders as provided in section 6 of CPR 161, establishing ceiling prices of new commodities for which a ceiling price cannot be calculated under sections 3, 4 and 5 of CPR
- (c) To issue letters orders disapproving or reducing ceiling prices reported or proposed as provided in section 9 of CPR 161.
- (d) To request additional information, as provided in section 15 of CPR 161, where applicants submit proposed ceiling prices for new commodities under sections 3, 4, 5 and 6 of CPR 161.

This Amendment 1 to Redelegation of Authority No. 46 shall take effect as of December 31, 1952.

> JOSEPH ROBBIE, Jr., Regional Director Region VIII.

JANUARY 16; 1953.

[F. R. Doc. 53-723; Filed, Jan. 16, 1953; 4:51 p. m.]

[Region IX, Redelegation of Authority 49]

DIRECTORS OF DISTRICT OFFICES, REGION IX, KARSAS CITY, Mo.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 2 AND 3 OF GOR 25

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 78, dated November 5, 1952 (17 F. R. 10088) this redelegation of authority is hereby issued.

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX.

- (a) To disapprove or reduce under section 2 any ceiling price proposed, reported, or established under any ceiling price regulation, in connection with which the Regional Director is authorized to act on an individual price determination or authorization, so as to bring it in line with the level of ceiling prices otherwise established by that ceiling price regulation.
- (b) To issue an order, under section 3 of GOR 25, fixing an in-line ceiling price for any person subject to a ceiling price regulation, in connection with which the Regional Director is authorized to act on an individual price determination or authorization, who fails to prepare or keep any record or file any report required in connection with the establishment of his ceiling price, or who fails to establish a ceiling price or to apply to the Office of Price Stabilization for the establishment of a ceiling price if such action is required by the applicable regulation.

take effect as of December 10, 1952.

JESSE C. MERRITT. Acting Regional Director, Region IX. JANUARY 16, 1953.

[F. R. Doc. 53-724; Filed, Jan. 16, 1953; 4:52 p. m.]

[Region IX, Redelegation of Authority 50] DIRECTORS OF DISTRICT OFFICES, REGION IX, KANSAS CITY, Mo.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 5 OF CPR 61

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 82, dated November 17, 1952 (17 F. R. 10525) this redelegation of authority is hereby issued.

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to receive and examine reports filed under the provisions of Section 5 of Celling Price Regulation 61: to ascertain whether such reports conform to requirements of Ceiling Price Regulation 61, and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of Section 5 of Ceiling Price Regulation 61.

This redelegation of authority shall take effect as of December 10, 1952.

JESSE C. MERRITT, Acting Regional Director, Region IX. JANUARY 16, 1953.

[F. R. Doc. 53-725; Filed, Jan. 16, 1953; 4:52 a. m.]

[Region X, Redelegation of Authority 45, Revision 1]

DIRECTORS OF DISTRICT OFFICES REGION X. DALLAS, TEX.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES OF NEW COMMODITIES BY MANUFACTURERS HAVING ANNUAL SALES OF LESS THAN \$1,000,000 UNDER CPR 161

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, Dallas, Texas, pursuant to Delegation of Authority No. 75, Amendment 1 (17 F. R. 11764), this Revision 1 to Region X Redelegation of Authority No. 45 is hereby issued.

Region X Redelegation of Authority No. 45 is revised to read as follows:

1. Authority to act under sections 3, 4, 5, 6, 9 and 15 of CPR 161. Authority is hereby redelegated to the Directors of the District Offices, Office of Price Stabilization, Region X, to process in the respects indicated herein ceiling price reports or applications for new commodities filed under CPR 161, by manufac-turers whose gross sales for their last complete fiscal year of commodities manufactured by them were less than \$1,000,000, or by new manufacturers who do not expect their gross sales to exceed

This redelegation of authority shall \$1,000,000 during their first complete fiscal year.

(a) To approve, or disapprove proposed ceiling prices for new commodities under sections 3, 4 and 5 of CPR 161,

(b) To issue letter orders as provided in section 6 of CPR 161, establishing ceiling prices of new commodities for which a ceiling price cannot be calculated under sections 3, 4 and 5 of CPR 161,

(c) To issue letter orders disapproving or reducing ceiling prices reported or proposed as provided in section 9 of CPR 161,

(d) To request additional information. as provided in section 15 of CPR 161. where applicants submit proposed ceiling prices for new commodities under sections 3, 4 and 5 and 6 of CPR 161.

This revised redelegation of authority shall take effect as of January 9, 1953.

> B. FRANK WHITE, Director of Regional Office X.

JANUARY 16, 1953.

[F. R. Doc. 53-726; Filed, Jan. 16, 1953; 4:52 p. m.]

[Region X, Redelegation of Authority 54] DIRECTORS OF DISTRICT OFFICES, REGION X. DALLAS TEX.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 3 (C) OF SR 3 AS AMENDED, TO CPR 34, AS ALIENDED

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. X, Dallas, Texas, pursuant to Delegation of Authority 87 (17 F. R. 11764) this redelegation of authority is hereby issued.

1. Authority to act under section 3 (c) of Supplementary Regulation 3, as amended, to CPR 34, as amended. Authority is hereby redelegated to the Directors of the District Offices, Office of Price Stabilization, Region X, to process the applications filed under section 3 (c) of Supplementary Regulation 3, as amended, to Ceiling Price Regulation 34, as amended, by sellers of automotive repair service; to issue letter orders permitting such sellers to substitute approved editions, of or supplements to flat rate manuals or labor time schedules in place of altered flat rate manuals or labor time schedules; and to modify the established customers' hourly rates of such sellers.

This redelegation of authority shall take effect as of January 2, 1953.

B. FRANK WHITE. Director of Regional Office X. JANUARY 16, 1953.

[P. R. Doc. 53-727; Filed, Jan. 16, 1953; 4:52 p. m.]

[Region XI, Redelegation of Authority 54, Revision 11

DIRECTORS OF DISTRICT OFFICES, REGION XI, DENVER, COLO.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6 AND 7 OF THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority No. 76, Revision 1 (17 F. R. 11252) this Revision 1 to Redelegation of Authority No. 54 is hereby issued.

1. Authority to act under sections 6 and 7 of the GCPR.

Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region XI.

- (a) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by manufacturers, wholesalers, retailers, and suppliers of services except as follows:
- 1. Firms which expect to sell a substantial amount of the commodities covered by their report or application to persons located outside the OPS region in which their principal place of business is located, or
- 2. Manufacturers whose total gross sales of manufactured commodities amounted to \$1,000,000 or more for their last complete fiscal year, or a new manufacturer whose total gross sales of manufactured commodities are expected to reach \$1,000,000 or more for their first complete fiscal year;
- 3. Firms who make a report or application for a group of retail sellers which have uniform ceiling prices in accordance with the provisions of section 12 of the GCPR.
- (b) To act on any application or report under sections 6 and 7 of the GCPR, as amended, specifically referred for action by the National Office to the Regional Director of Region XI.

This Revision 1 to Redelegation of Authority No. 54 shall take effect as of December 29, 1952.

Delbert M. Draper, Regional Director Region XI.

JANUARY 16, 1953.

[F. R. Doc. 53-728; Filed, Jan. 16, 1953; 4:53 p. m.]

[Region XI, Redelegation of Authority 62]
DIRECTORS OF DISTRICT OFFICES, REGION
XI, DENVER, COLO.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 3 (C) OF S. R. 3, AS AMENDED, TO CPR 34, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XI, pursuant to Delegation of Authority No. 87 (17 F. R. 11764) 'this Redelegation of Authority No. 62 is hereby issued.

1. Authority to act under section 3 (c) of Supplementary Regulation 3, as amended, to CPR 34, as amended.

Authority is hereby redelegated to each of the Directors of the District Offices of the Office of Price Stabilization in Region XI to process the applications filed under section 3 (c) of Supplementary Regulation 3, as amended, to Ceiling Price Regulation 34, as amended, by sellers of automotive repair service; to issue letter orders permitting such sellers to substi-

tute approved editions, of or supplements to flat rate manuals or labor time schedules in place of altered flat rate manuals or labor time schedules; and to modify the established customers' hourly rates of such sellers.

This redelegation of authority shall take effect as of December 30, 1952.

DELBERT'M. DRAPER, Regional Director Region XI.

JANUARY 16, 1953.

[F. R. Doc. 53-729; Filed, Jan. 16, 1953; 4:54 p. m.]

[Region XII, Redelegation of Authority 57, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIF.

REDELEGATION OF AUTHORITY TO ACT ON AP-PLICATIONS FOR CEILING PRICES OF NEW COMMODITIES BY MANUFACTURERS HAVING ANNUAL SALES OF LESS THAN \$1,000,000 UNDER CPR 161

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority 75, Amendment 1 (17 F R. 11764) Redelegation of Authority No. 57 (17 F R. 9001) is amended to read as follows:

- 1. Authority to act under sections 3, 4, 5, 6, 9, and 15 of CPR 161. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII, to process in the respects indicated herein ceiling price reports or applications for new commodities filed under CPR 161, by manufacturers whose gross sales for their last complete fiscal year of commodities manufactured by them were less than \$1,000,000, or by new manufacturers who do not expect their gross sales to exceed \$1,000,000 during their first complete fiscal year.
 - (a) To approve, or disapprove proposed ceiling prices for new commodities under sections 3, 4 and 5 of CPR 161,
- (b) To issue letter orders as provided in section 6 of CPR 161, establishing ceiling prices of new commodities for which a ceiling price cannot be calculated under sections 3, 4 and 5 of CPR 161.
- (c) To issue letter orders disapproving or reducing ceiling prices reported or proposed as provided in section 9 of CPR 161
- (d) To request additional information, as provided in section 15 of CPR 161, where applicants submit proposed ceiling prices for new commodities under sections 3, 4, 5 and 6 of CPR 161.

This amendment shall take effect as of January 11, 1953.

JOHN H. TOLAN, Jr., Director of Regional Office XII.

JANUARY 16, 1953.

[F. R. Doc. 53-730; Filed, Jan. 16, 1953; 4:54 p. m.]

[Region XIII, Redelegation of Authority 44]
DIRECTORS OF DISTRICT OFFICES, REGION
XIII, SEATTLE, WASH.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 70

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 29, Revision 1 (17 F R. 8462), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, and Spokane District Offices of Price Stabi-

lization, respectively.

(a) To act upon and to handle to final conclusion all requests filed pursuant to the provisions of section 2 of Ceiling Price Regulation 70;

(b) To act upon and to handle to final conclusion all reports filed pursuant to the provisions of section 5 of Ceiling Price Regulation 70.

(c) To act upon and to handle to final conclusion all requests filed pursuant to the provisions of section 9 of Ceiling Price Regulation 70:

(d) To act upon and to handle to final conclusion all applications for rate adjustment filed pursuant to the provisions of section 12 of Ceiling Price Regulation 70.

This redelegation of authority shall become effective as of December 22, 1952.

E. R. Thissen,

Acting Regional Director, Region XIII.

JANUARY 16, 1953.

[F. R. Doc. 53-731; Flied, Jan. 16, 1953; 4:54 p. m.]

[Region XIII, Redelegation of Authority 45]

DIRECTORS OF DISTRICT OFFICES, REGION XIII, SEATTLE, WASH.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 3 (C) OF SR 3, AS AMENDED, TO CPR 34, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Prico Stabilization, No. XIII, pursuant to Delegation of Authority No. 87 (17 F R. 11764), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, and Spokane District Offices of Price Stabilization, respectively, to process the applications filed under section 3 (c) of Supplementary Regulation 3, as amended, to Ceiling Price Regulation 34, as amended, by sellers of automotive repair service; to issue letter orders permitting such sellers to substitute approved editions of, or supplements to, flat rate manuals or labor time schedules in place of altered flat rate manuals or labor time schedules; and to modify the established customers' hourly rates of such sellers.

This redelegation of authority shall become effective as of January 7, 1953.

HAROLD WALSH,
Regional Director, Region XIII.

JANUARY 16, 1953.

[F. R. Doc. 53-732; Filed, Jan. 16, 1953; 4:54 p. m.] [Region XIV, Redelegation of Authority 23] TERRITORIAL DIRECTORS

REDELEGATION OF AUTHORITY TO ACT ON AP-PLICATIONS FOR ADJUSTMENTS OF CEILING PRICES OF CERTAIN SELLERS OF AUTOMO-TIVE AND FARM EQUIPMENT REPAIR SERV-ICES UNDER SR 26 TO CPR 34

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIV, pursuant to Delegation of Authority 86 (17 F. R. 10911) this redelegation of authority is hereby issued.

1. Authority to act under section 4 of SR 26 to CPR 34. Authority is hereby redelegated to the Territorial Directors of the Office of Price Stabilization in Alaska, Hawaii, Puerto Rico, and the Virgin Islands:

(a) To process applications for adjustment filed under section 4 of Supplementary Regulation 26 to Ceiling Price Regulation 34;

(b) To issue letter orders establishing adjusted ceiling prices for automotive and farm equipment repair services covered thereby.

(c) To issue letter orders denying such applications for adjustment;

(d) To request additional information as provided in section 4 of Supplementary Regulation 26 to Ceiling Price

Regulation 34. This redelegation of authority shall take effect on January 17, 1953.

> EDWARD J. FRIEDLANDER, Regional Director Region XIV

JANUARY 16, 1953.

[F. R. Doc. 53-733; Filed, Jan. 16, 1953; 4:54 p. m.]

[Ceiling Price Regulation 17, as amended, Section 11 (d), Special Order 2, Amdt. 1]

WASHINGTON, D. C., METROPOLITAN AREA

AREA ADJUSTMENT OF TANK WAGON CEILING PRICES OF FUEL OIL DISTRIBUTORS; READ-JUSTMENT OF PRICES

Statement of considerations. As the Statement of Considerations accompanying Special Order 2 makes clear, that order was designed to restore the net earnings of heating oil distributors in the Washington, D. C., metropolitan area to the level of the fiscal year ending May 31, 1950. In arriving at the adjustment in ceiling prices necessary to accomplish this result consideration was given to the fact that under the provisions of Supplementary Regulation 10 to Ceiling Price Regulation 17 fuel oil distributors on the East Coast, which included the Washington, D. C., area, were granted as of June 30, 1952, a ceiling price increase of \$0.0015 per gallon over and above the spelled-out increases in their product cost effected by SR 10. This increase of \$0.0015 was granted pursuant to instructions from Dr. J. R. Steelman, then Acting Director of the Office of Defense Mobilization, simultaneously with the grant of a ceiling price increase of \$0.0065 per gallon to those who supplied product to the Washıngton area distributors. Dr. Steelman's instructions, which were made part of the Statement of Considerations in SR 10,

intended this \$0.0015 per gallon to compensate local distributors for the additional expenses which they would incur in handling higher priced product. Recent representations by and conferences with representatives of the Washington area distributors have convinced the Office of Price Stabilization that this intention was not fully carried out in Special Order 2, since the computations that resulted in the adjustment granted in Special Order 2 treated the \$0.0015 as additional net income to the fuel oil distributors rather than as compensation for increased costs. Therefore this amendment first increases the amount of the adjustment in Special Order 2 by \$0.0015 per gallon. Amendment 7 contemplates the rounding of adjustment to the nearest tenth of a cent. Accordingly, the amendment includes also an additional \$0.0015. This brings the total adjustment granted by this amendment to \$0.002 per gallon. With the \$0.001 granted in the original special order the result is a total increase in ceiling price under section 11 (d) of CPR 17 of \$0.003 per gallon.

Amendatory provisions. For the reasons set forth in the statement of considerations accompanying this amendment and the statement of considerations in Special Order 2 and pursuant to the provisions of section 11 (d) to Ceiling Price Regulation 17, as amended, It is ordered.

- 1. That paragraph 1 of Special Order 2 issued under Section 11 (d) of Ceiling Price Regulation 17, as amended, is amended to read as follows:
- 1. That the tank wagon ceiling price for Heating Oils (Kerosene, No. 1 and No. 2 Oil, Furnace Oil, Range Oil and Stove Oil) sold by tank wagon distributors in the Washington, D. C., metropolitan area, may be increased \$0.003 per gallon.

2. All provisions of Ceiling Price Regulation 17, as amended, except as inconsistent with the provisions of this order and all provisions of Special Order 2, except as amended herein, shall remain in full force and effect as to the com-modities covered by this order.

3. This order may be amended, modified or revoked by this Office at any time.

Effective date. This Special Order shall become effective January 15, 1953.

VINCENT A. HOLLIES, District Director.

JANUARY 15, 1953.

[F. R. Doc. 53-657; Filed, Jan. 15, 1953; 4:19 p.m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 277131

DENATURED ALCOHOL FROM THE SOUTH TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

JANUARY 16, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Denatured alcohol and related articles, carloads.

From: Specified points in southern territory

To: Specified points in official territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: Agent W P. Emerson, Jr.'s tariff

I. C. C. No. 400, Supp. 50. Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

GEORGE W LARD, [SEAL] Acting Secretary.

[F. R. Doc. 53-670; Filed, Jan. 21, 1953; 8:47 a. m.]

[4th Sec. Application 27714]

ANHYDROUS ALIMONIA FROM ARKANSAS, LOUISIANA, AND TEXAS TO PEPPER, VA.

APPLICATION FOR RELIEF

JAMUARY 16, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3746.

Commodities involved: Anhydrous ammonia, in tank-car loads.

From: Specified points in Arkansas, Louisiana, and Texas.

To: Pepper, Va. Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, Supp. 102.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters

involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD, Acting Secretary.

.[F. R. Doc. 53-671; Filed, Jan. 21, 1953; 8:47 a. m.]_

[4th Sec. Application 27715]

Anhydrous Ammonia From Arkansas, Louisiana, and Texas to Pepper, Va.

APPLICATION FOR RELIEF

JANUARY 16, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3746.

Commodities involved: Anhydrous ammonia, in tank-car loads.

From: Specified points in Arkansas, Louisiana, and Texas.

To: Pepper, Va.

Grounds for relief: Competition with rail carriers, circuitous routes, additional destination, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F C. Kratzmeir, Agent, I. C. C. No. 3746, Supp. 102.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interests, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-672; Filed, Jan. 21, 1953; 8:47 a. m.]

[4th Sec. Application 27716]

CLEANING COMPOUNDS FROM ST. LOUIS, Mo., TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

JANUARY 16, 1953.

The Commission is in receipt of the above-entitled and numbered application

for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1062.

Commodities involved: Cleaning, scouring, and washing compounds, carloads.

From: St. Louis, Mo.

To: New Orleans, La.

Grounds for relief: Rail and water competition and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission m writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary,

[F. R. Doc. 53-673; Filed, Jan. 21, 1953; 8:47 a. m.]